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CIVIL GOVERNMENT
OF
THE UNITED STATES

D. D. WALLACE

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of the United States

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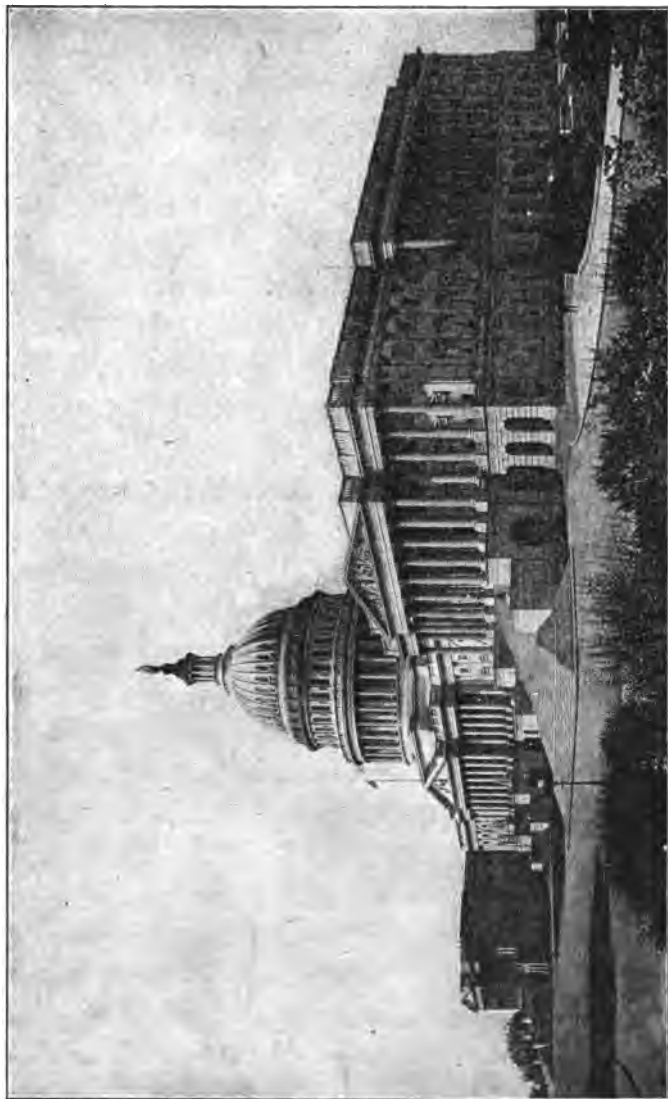


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CAPITOL OF THE UNITED STATES AT WASHINGTON

CIVIL GOVERNMENT OF THE UNITED STATES

BY

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in Wofford College*

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By D. D. WALLACE

PREFACE

In preparing this little book I have followed the method by which I conceive that the subject can most easily and profitably be unfolded to the child. Accordingly, I have proceeded from the simple to the complex, and from the known to the unknown. The simplest and most familiar phase of government in the child's experience and observation is the public school; this is taken as the starting point.

In style the same principle has governed. The earlier chapters may appear too simple, while some teachers may consider the later ones too difficult. I hope, however, that experience will prove that the attempt to lead the pupil along a gentle upward grade has been successful. It has been my experience that a reasonable amount of detail makes a subject more intelligible and realistic to the pupil, and thus enables him to prepare and remember it better.

I would urge the importance of requiring the preparation of the suggestive questions at the end of the chapter. This will lead to independence of thought and judgment.

PREFACE

One or more questions, according to their difficulty, may be assigned to each pupil and a report be required at the next recitation. It will sometimes be found profitable to assign nothing beyond the questions for preparation and spend the whole recitation period on the reports and discussion. If the answers are at all extensive it is best to require the reports to be brought to the class in writing to be read aloud, but not handed in.

A number of friends, particularly of the legal profession, have very kindly rendered me assistance in supplying information. I desire to thank them all, and at the same time to acknowledge my great obligations to Senator H. B. Carlisle for much aid of this kind, and to Capt. J. W. Carlisle and Senator Carlisle for the use of their law library.

D. D. W.

SPARTANBURG, S. C., *February 24, 1906.*

PREFACE TO THE THIRD EDITION

This revision brings The Civil Government of South Carolina and the United States up to date through the changes in our local, State, and national governments down to the spring of 1917. New sections where necessary have been added in such a way as not to disturb the numbering of the other sections; as, e.g., the account of commission form of government is numbered 115a. This

PREFACE

enables pupils having the old edition to use it with the least possible inconvenience.

The addition of Chapter XLVIII is due to suggestions from Dr. Reed Smith, of the University of South Carolina. The creation of the State Tax Commission made necessary the rewriting of Chapters XXIV and XXV.

As little as we may notice at any one time the constant process of change, we cannot escape being impressed in making this revision at the close of a six year period that our State and nation are in a condition of constant and rapid growth.

D. D. WALLACE.

March 4, 1917.

ANNOUNCEMENT: In order to meet three well-defined conditions, "The Civil Government of South Carolina and of the United States," by D. D. Wallace, Ph. D., is printed in three books as follows:

1. The complete book containing the civil government of the State and of the nation, with Table of Contents and Indices.
2. The Civil Government of South Carolina, alone, with the complete Table of Contents and Index.
3. The Civil Government of the United States, alone, with the complete Table of Contents and Index.



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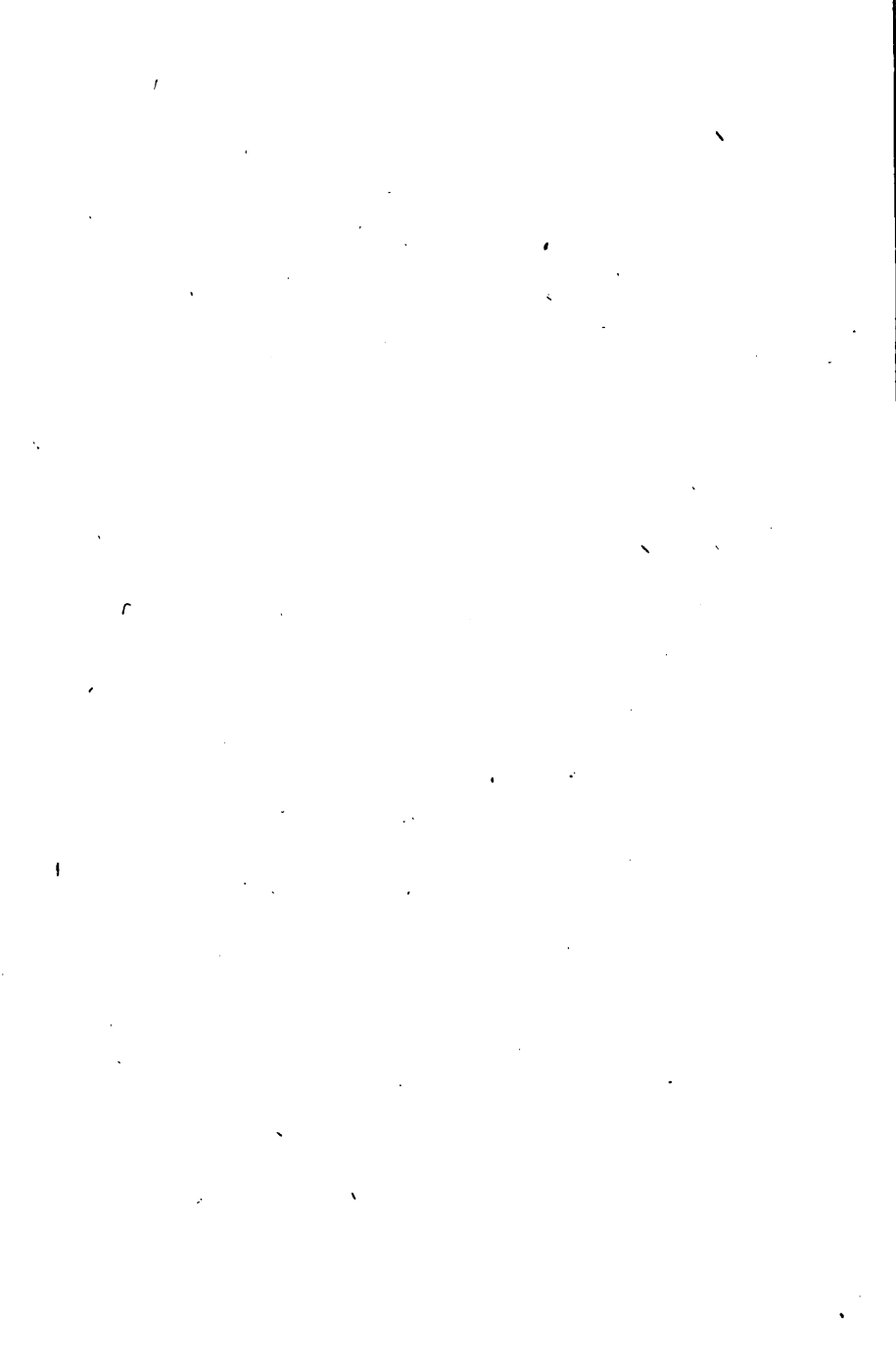
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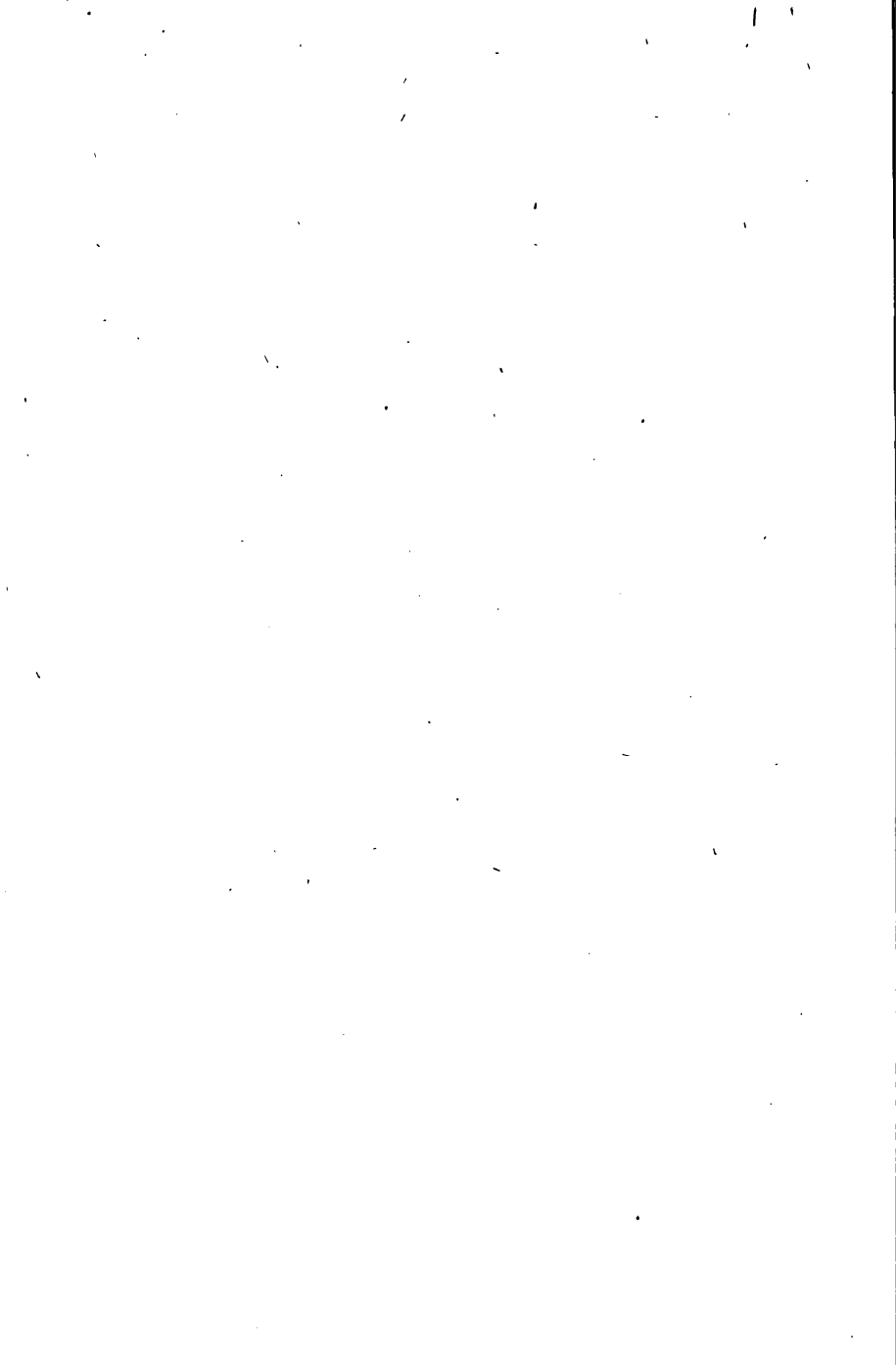
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BOOK II

The National Government*

CHAPTER XXXIII

ORIGIN AND PURPOSE OF THE NATIONAL GOVERNMENT

269. The Colonial Government.— Before the Revolutionary war which made the United States independent, the thirteen States which united to form our Union were thirteen separate colonies, belonging to Great Britain. Their governments had no connection with each other, any more than now exists between the two British colonies of Jamaica and Newfoundland. Each colony had a legislature of its own that managed its own local affairs; but things that concerned the outside world, such as foreign trade, war, and relations with foreign countries, were managed for each colony by the government of Great Britain.

270. The Revolution Necessitates a Central Government.— When the Declaration of Independence announced that the colonies had severed their connection with Great Britain, it became necessary to create some

* The national government is often spoken of as the federal government. Both terms are used in this book to mean the same thing.

government to perform the general duties formerly attended to by Parliament. It was necessary to set up a central government to carry on wars which might have to be waged in defense of America, or to regulate and protect people and ships engaged in trading across the ocean, and in distant lands. Each State might have attended to these matters for itself; but the people saw that it would be much better to join in one central government for these purposes; because it would enable them to get along better with each other, and would make them strong enough to stand against foreign enemies. It was for these reasons that the thirteen States joined themselves into one country as the United States of America.

271. Liberty and Union.—The Colonies intended from the first to be not only free, but to be united in defense of their freedom. They knew that they would not be likely to remain free and great unless they stood together. Their idea was expressed in the motto adopted by one of the States: "United We Stand; Divided We Fall."

On June 10th, 1776, the Continental Congress appointed Thomas Jefferson Chairman of a Committee to write the Declaration of Independence; the very next day it decided to appoint another Committee to draw up a plan for a central government for all the thirteen States. This Committee wrote the Articles of Confederation.

272. The Articles of Confederation.—The Continental Congress continued to conduct the war and act as the

representative of the United States until 1781. By that year all the States had agreed to the Articles of Confederation, and they accordingly went into effect, and the Continental Congress became the "Congress of the Confederation." The Articles of Confederation remained in force from 1781 to 1789, during which time the government proved to be so weak and inefficient that the States determined "to form a more perfect Union." The Articles of Confederation were unsatisfactory because the people had not had any experience in governing a number of separate States as one united body. But we "should not despise the first step because it took two steps to reach a firm government." The Articles of Confederation were the first step; the Constitution was the second.

273. Constitutional Convention of 1787.—In 1787 all the original thirteen States except Rhode Island sent delegates to Philadelphia to a convention to improve the form of government. They worked for four months, and at the end of that time had completed the Constitution. The Constitution was then discussed by a convention in each State, and was adopted by each State by the vote of its convention.* It went into operation

* In South Carolina the low country favored the Constitution, and the up country opposed it, partly because of old grudges, jealousies and misunderstandings dating back to the Revolution, and even before it.

in the spring of 1789, with Washington as the first President.

274. Object in Establishing the Constitution.—The first words of the Constitution are: "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Experience had shown that unless a strong central government was established, the people were in danger of losing all those advantages in order to enjoy which they declared that they established the Constitution. By going over each of the objects we will see how true this was.

275. "Form a More Perfect Union."—The Union under the Articles of Confederation was so imperfect that the government was in continual danger of falling to pieces. As we shall see, hostility and hatred were largely taking the place of the spirit of common patriotism. If the threatened dangers of civil war, commercial ruin, separation and strife were to be avoided, it was absolutely necessary for the States to make the Union among themselves stronger and better suited to the needs of the times.

276. "Establish Justice."—In all the States the dis-

turbed conditions produced by the war had occasioned great wrong and injustice to many people in various ways. Some who had lent money or sold land or goods on credit had been compelled to receive worthless paper money, barren lands, or starving cattle in payment. This had ruined many honest people, and had done great harm to the whole country.

Foreign countries had treated us very contemptuously because we had a poor, weak government, and many States had treated foreigners and some of their own citizens very unjustly. For instance, England refused to pay for property her soldiers had stolen, and also refused to give up some American forts along the Great Lakes. Many States refused to allow Englishmen to collect debts for goods which Americans had bought from them. In many States the lands and houses of Americans had been taken from them by the State government because they had not joined in the Revolutionary war. So a good Constitution and a strong government were certainly needed in order to "establish justice."

277. "Insure Domestic Tranquility."— This means to have peace and good order within the country. It means to punish people who break the laws or get up riots or in any way disturb or trouble orderly people. All over the country crimes, disorder and confusion were common because of the terrible experiences of war, hardships and bad government through which the people had passed.

In Massachusetts Captain Daniel Shays put himself at the head of several thousand men made desperate by their hopeless indebtedness and for several months marched through the State interfering with the holding of courts and the administration of the law. This rebellion was suppressed only after the calling out of several thousand troops. In other States there were men waiting to begin similar insurrections if Shays should succeed.

Connecticut had sent soldiers into Pennsylvania and turned hundreds of people out of their homes to starve or freeze, because she foolishly and wrongly claimed that the northern part of that State belonged to her. War between the two States would likely have resulted if the Quakers and Dutch of Pennsylvania had not been such peace-loving people.

New York and Vermont actually sent soldiers against each other in a dispute about their boundary line and came very near the shedding of blood in battle.

Congress had been driven out of Philadelphia by a mob of drunken soldiers. So we see there was certainly need of a better government in order to secure peace and safety at home, or, as the Constitution says, to "insure domestic tranquility."

278. "Provide for the Common Defence."—This means to defend the United States against foreign nations. On account of our weak government we had been treated with great contempt by foreign governments, and

it looked as though the United States might again come under British power or fall to pieces and be divided up among several European nations as their colonies, unless something was done to enable us to defend ourselves.

279. "Promote the General Welfare."—The lack of a strong central government injured the people in many ways. It was not safe to trade from one State to another; because there was no strong central government to compel any State to treat citizens of other States justly. For instance, New York and Connecticut got into a dispute and placed such heavy taxes on traders from one State selling in the other as to do great harm to the citizens of both.

It was very much the same with New Jersey and New York. A great many good and useful occupations were engaged in very little or not at all because people had no general government to protect their rights.

It was evident, therefore, that the establishment of a good Constitution for the whole country would be very greatly for the "General Welfare."

280. "Secure the Blessings of Liberty to Ourselves and our Posterity."—If something was not done to prevent the disasters we have been describing the country would fall to pieces, wars between the States would follow, and the freedom of the people would be destroyed. Nobody's life or property would be safe, and government by the people would prove a failure. Kings or wicked, despotic

soldiers would perhaps seize the government of the different States, and the benefits gained by the Revolution, as well as the civilization and fraternity which the people enjoyed as colonists, would all be imperiled. The men who made the Constitution planned not only for themselves, but for us, their posterity; and we now enjoy the great and free government which they established in the Constitution.

CHAPTER XXXIV

GENERAL CHARACTER OF THE NATIONAL GOVERNMENT

281. The National Government Created by the States.

— We saw in the last chapter that the national government was created by the people of the separate States in order to secure peace, liberty, and prosperity. The States created the national government in the Constitution and gave it all the powers it possesses. The people in the States created the State governments by freeing themselves from England, and for that reason the States possess all the powers of government except those which they have given away to the national government and agreed never to exercise.

282. Granted Powers.— The national government has no powers except those granted to it in the United States Constitution by the people of the States. The State, on the other hand, has all powers not denied to it by the national Constitution. This arises from the fact that

the States are older than the Constitution and are the source from which all the powers of government, in our country originally sprung.

283. Powers Granted to the National Government.—

As we learned in Chapter XVII, most of the powers of government are retained by the States; most of the matters of everyday life are under the power of the State. But some of the most important powers have been granted to the national government. The people were careful not to grant any powers to the national government except those which they thought it could exercise better and to greater advantage to the whole country than could the States separately. We shall now examine the principal powers which the national government can exercise, and try to see why it is best that it should exercise them.

284. The Taxing Power.—The national government has the right to lay any and every kind of tax. It is absolutely necessary for a government to have the power of taxing the people if it is to perform its duties and be respected. Under the Articles of Confederation Congress had to request the States to give it certain amounts of money, like a beggar passing around his hat. As a result Congress was always poor and could not pay its debts or pay its army or command the respect of foreign nations. People came to have such a contempt for Congress that they paid little attention to its laws and good men did not care to be elected members.

285. The Tariff.—The tax on goods brought into the United States from foreign countries is called a tariff. It is regulated in this way. The United States government passes a law that anyone bringing in certain articles shall pay the tax named for each article; for instance, by the law of 1909, blankets paid from 22 cents a pound and 30 per cent. of their value to 44 cents a pound and 55 per cent. of their value, books 25 per cent. of their value, cheese 6 cents a pound, cotton clothing 50 per cent. of its value, eggs 5 cents a dozen, musical instruments 45 per cent. of their value, horseshoe nails $1\frac{1}{2}$ cents a pound, potatoes 25 cents a bushel, wool from 3 to 33 cents a pound; manufactures of iron, 45 per cent. of their value.

At each port and in every city on the border of Canada and Mexico there is a custom house, where officers examine the goods brought into the United States and collect the taxes on them. In 1910 the total receipts of money by the United States government amounted to \$675,000,000; of this \$333,000,000, or 49 per cent., was from the tariff.

286. Internal Revenue.—The taxes on incomes, whiskey, beer, wine, snuff and tobacco are called internal revenue taxes, because they are collected in the interior, or internal, parts of the country. These taxes are collected by the United States government, no matter whether the States in which these objects are found are

taxing them or not. The government has a special set of officers to collect these taxes and see that nobody escapes by distilling whisky or making cigars and so forth in secret. In 1910 the United States government collected in internal revenue taxes \$289,000,000, or 43 per cent. of its total income. Thus we see that from tariff and internal revenue the United States government got 92 per cent. of all its income. Except in times of war, it leaves almost all other sorts of taxes, such as on land, houses, incomes, horses, business licenses, to the State government.

287. Commerce.—The national government has complete control over inter-State-commerce and foreign commerce, i. e. commerce between people living in different States or between people in the United States and a foreign country. This is necessary in order to prevent any State government; on account of prejudice, ignorance or selfishness, from interfering with your or my right to buy a horse (say) in Kentucky, a car load of fruit in California, or a barrel of sugar in Louisiana; or with our selling our cotton to a merchant in Massachusetts, England, France, China or any other place we might desire. Few things can do a country more harm than to have the trade and travel of its citizens of different sections interrupted. Experience under the weak Articles of Confederation, and the attempts of some States since, show that the framers of the Constitution were very wise in

giving the national government complete power in regulating and protecting commerce that goes beyond any one State.

288. Bankruptcy.— Closely associated with the power of Congress over inter-State commerce is its power to pass laws regarding bankruptcy. A bankrupt is a person who cannot pay his debts. When a person finds himself in this condition he may voluntarily "go into bankruptcy," or his creditors may, if they choose, force him into it. A person is then appointed by the court to collect all the property of the bankrupt and with it pay his creditors as much as possible, in proportion to the amount owed to each. After the affairs of the bankrupt are settled under the bankruptcy law, no one can ever hold him responsible for any of the debts which he owed at that time. He is free to make a new start.

Since so many of the debts owed by merchants (the class to which, on account of the nature of their business, bankrupts usually belong) are frequently owed to persons outside the State, it is proper that bankruptcy regulations should be in the control of the United States government. At various times Congress has left bankruptcy regulations to the States, and at others has itself passed bankruptcy laws. At present there is a national bankruptcy law in operation.

289. Weights and Measures.— The United States government has power to say what shall be the weights and measures used all over the country. This is almost absolutely necessary if we are to have trade between the different States. Think of what confusion would result if a bushel was one size in one State and another size in others; if a yard was 30 inches long in the North and 35½ in the South and 41¾ in the West; or if part of the States weighed things by the pound, part by old Hebrew standards and part by the weights of the Romans.

290. Money.— For the United States to have the exclu-

sive right to regulate the value and material of money is even more necessary than for it to regulate weights and measures. Therefore its power in this is absolute.

291. War.—Only the United States can declare war or keep up a regular army or navy. The power to make war is such a fearful and harmful power, unless exercised with moderation and wisdom, that it is kept in the hands of the central government alone. In all ages and countries, nations which have allowed States or provinces within the nation to make war have been brought to ruin.

The United States Constitution grants Congress the right to assume any degree of control it may think needful and proper over the organization and discipline of the State militia. Any power which Congress does not choose to exercise over the militia the State is free to exercise; but the State may not pass any law regulating the militia contrary to laws for that purpose passed by Congress. Congress leaves the control of the militia mainly to the States and confines itself to giving assistance, such as money for equipment, encampments, instruction, etc., and prescribing the system of military organization.

The President may call out the militia of any or all States in order to suppress domestic insurrection in a State when requested by the Governor or Legislature of that State, or to repel invasion. The authority of the State then gives way completely to that of the United States.

292. Foreign Affairs.—It is impossible for one family to get along without having anything whatever to do with any other family. Just so a nation is constantly finding that matters arise which require discussion and arrangement with other nations. This is called foreign affairs. In order to have influence in foreign affairs, a government must act with great wisdom, and have back

of it great power, population and wealth. Every reason requires that our foreign affairs should be completely in the control of the United States government. Even as it is, several times a few people in some States have come near causing war by their unlawful conduct toward foreign nations.

293. Protecting American Citizens Abroad.—If an American is wronged by a foreign government, his own State has nothing to do with it; but the United States government takes up the matter and stands ready with the whole power of the mighty nation to compel the foreign government to do him justice. For this reason no foreign nation dares wrong the humblest and weakest American citizen. If a citizen of a foreign country injures an American in that foreign country, the foreign government will punish its own citizen, for the United States government stands with its whole army and navy to see that justice is done.

An American citizen was once standing before the executioner in a foreign country, the next minute to be unjustly shot. A representative of his government stepped up and threw an American flag over his body, and he was as safe as if the silken cloth had been a wall of stone.

294. Citizenship.—Citizenship is the condition of being a member of a State or nation, enjoying its protection and owing to it obedience and support. A citizen is said to owe *allegiance* to his country. This means to be faithful to it against all other governments or countries. We

are citizens of our State and also citizens of the United States.

295. Who are Citizens.—The right to determine who shall be citizens belongs to the United States government. The United States Constitution says that “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” This compels every State to receive as a citizen every person whom the United States government declares to be a citizen; but it does not prevent a State from admitting as a citizen *within its own bounds* a person whom the United States does not recognize as a citizen. For instance, no State can refuse citizenship to a negro, because the United States government gives him citizenship; but a State may allow a Chinese immigrant to be a citizen within its own bounds, although he is not allowed to become a citizen of the United States and can claim no right of citizenship under the United States Constitution or laws.

The children of ambassadors and other diplomatic officers of foreign governments residing in this country do not become citizens of the United States by being born within its bounds.

296. American Children Born Abroad.—Children who are born of American citizens in foreign countries are natural born citizens of the United States; but unless these children live for awhile in the United States, chil-

dren of theirs born in foreign countries cannot claim American citizenship.

297. Naturalization.—Naturalization is making a person a citizen who was not born a citizen. Giving United States citizenship to foreigners is a power belonging only to the United States government. The naturalization law requires that a foreigner must live in the United States for a period of five years, and must declare his intention of becoming a citizen at least two years before securing citizenship. For instance, if he came to this country in the year 1900, he could become a citizen in 1905, provided he declared his intention not later than 1903.

The intention of becoming a citizen must be declared in a court of record,* either State or national. Citizenship is also granted by such a court.

A man's wife and children become citizens by his becoming a citizen.

298. Racial Qualifications.—No Chinese can become naturalized; but a Chinese child born in the United States is a "natural born citizen" of the United States.

Japanese laborers are forbidden to come into this country. This discrimination against the Chinese and Japanese goes so far as to forbid any more to come to the United States, except

* The Circuit Court, for instance, either State or national, is a court of record. A Magistrate's or Mayor's court is not a court of record, although it now keeps a written record of its proceedings. In general, we may say that the higher, more powerful and important courts are courts of record.

temporarily as students, travelers, government agents, or merchants purchasing goods. This law is due to a strong prejudice against Oriental cheap labor by the working men of California and other Western States, and a feeling that our racial complications are already sufficient.*

299. Territories.—The Constitution gives Congress power to “make all needful rules and regulations respecting the territory or other property belonging to the United States.” This practically allows Congress to exercise all powers of government in or over the territories which it chooses.† In a territory Congress has all the power of both State and national governments. How far Congress could go in violating certain fundamental rights of the people in the territories, such as their freedom of religion or their right to be tried according to law or have counsel (lawyers) in their defense is a question about which there is some difference of opinion. To interfere with these things is not considered in our free country a just or needful power of government, and as a matter of fact not likely to be attempted.§

300. Implied Powers.—You remember that the United

* The Chinese are kept out by an act of Congress; the Japs, by their own government, in accordance with a treaty between the United States and Japan.

† Possibly some older reader than this book is written for may question, as certain eminent statesmen at one time did, that the clause cited grants the power stated. Suffice it to say that the Supreme Court (in the “insular cases,” not to go further) declared that such a meaning is indubitable. The right to govern territory is implied also in certain other clauses of the Constitution.

§ See section 406 for a further discussion of this somewhat obscure subject.

States government can do only those things that the Constitution says it can do. But the government is free to do anything fairly included in one of the granted powers. For instance, it has the right to send ambassadors to foreign countries. This implies the right to buy a house in the foreign country for the ambassador to live in, and the right to protect him, even by sending ships and troops into the foreign country if necessary. The government has the right to lay and collect taxes. This gives it the right to create a bank or build a treasury in which to keep the tax money. These are called "implied powers," because, while they are not named in the Constitution, it is necessary to exercise them in order to do properly the things which are named.

301. Sources of the National Constitution.—The State governments are older than the national government, so that the great men who wrote our national Constitution got most of their ideas from the State Constitutions. This was quite natural, and it was very wise; for if certain plans of government had been found successful in the States and the people were already used to them, these same plans would doubtless work well in the national government.

In 1787, all the States except Georgia and Pennsylvania had a legislature of two houses; the framers of the national Constitution copied this from the States. They copied the words giving the President's veto power from

the Constitution of Massachusetts. They got the method of electing the President from Maryland. They kept in mind also the free government of England and tried to reproduce its best principles. We must remember also that the people of the States had brought their free institutions from England.

302. One System.—Our national and State governments taken together form one system. There is no dispute or rivalry between them. The people of the United States have given some powers to the United States government and some to the State governments, because some things can be done best by one and some by the other, and the result is that we enjoy greater freedom and prosperity than any other people in the world.*

TABLE OF THE PRINCIPAL POWERS OF THE UNITED STATES GOVERNMENT

I. Taxes

1. Tariff on imports.
2. Internal revenue (taxes on articles manufactured or used in the United States).
3. Land taxes (hardly ever used).
4. Income taxes (hardly ever used).
5. Any other taxes (hardly ever used).

* It is not meant that nothing but our form of government is responsible for our prosperity. Comparison with other richly endowed countries with bad governments will, however, show how important is this factor in national well-being.

- II. Commerce** {
1. Foreign commerce.
 2. Inter-State commerce.
 3. Bankruptcy.
 4. Weights and measures.
 5. Money.

- III. Foreign Relations** {
1. War and peace.
 2. Army and navy.
 3. Ambassadors, ministers and consuls.
 4. Treaties.

- IV. Territories** {
1. United States government can exercise all the powers of government in or over a territory; but
 2. Does not violate the fundamental personal rights of the inhabitants.

Part I.—The Legislative Department

CHAPTER XXXV

CONGRESS

303. Congress.—The legislative department of the United States government consists of two sets of men, spoken of as the two houses of Congress. They are the Senate and the House of Representatives. The Senate is sometimes called the Upper House and the House of Representatives the Lower House.

304. Nature of the Two Houses.—The Senate has (1917) only ninety-six members, and it is therefore much smaller than the House of Representatives, which has four hundred and thirty-five. The Senators are usually older and more prominent men than the Representatives, and are men of greater influence. They are generally more quiet and prudent in their debates and acts. The Senate also has certain duties and powers which the House of Representatives has not. These differences will be plainer when we have studied each house separately in the next two chapters.

305. Time of Meeting.—The Constitution requires that Congress must meet at least once a year and names the first Monday of December as the day; but Congress may

fix another day if it chooses, or the President may call them to meet earlier. Congress has seldom changed the day, and the President has called them to meet earlier only a few times.

Congress stays in session from the first Monday in December in odd years until the following summer. This is called the first session, or "long session." It has a second session beginning the first Monday in December of even years and running through the third of the following March. This is called the "short session."

306. Powers of Congress.—Congress has the power to pass laws about all the subjects in the table at the end of the last chapter. All the law-making power of the national government belongs to it alone. But remember, it can exercise no power not granted by the Constitution; and of course it must not do those things which the Constitution forbids. We may say in general that Congress is forbidden to pass any law which would violate the rights and liberties of the people. No action can be taken unless a quorum (i. e. a majority of the entire membership of the house) is present.

307. Agreement of the Two Houses.—In each house a majority of those voting is necessary to pass any measure. After it has been approved by both houses in this way, it is sent to the President, and if he signs it, it becomes law. This is in order to prevent a bad or foolish law from being passed in carelessness, haste or anger by one house.

307a. The President's Message or Address.—The

President, says the Constitution, "shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This he may do by written messages or by personally delivered addresses as well. The recommendations of a strong President fix attention and powerfully promote the passage of laws which are widely demanded by the people. The practice of Presidents Washington, John Adams, and Wilson of appearing personally before Congress to deliver their annual addresses or any other messages of unusual importance secures a degree of attention both from the lawmakers and the people at large that is not possible by sending a written communication.

308. The President's Veto.— If the President does not think a bill a good one he refuses to sign it, and returns it to Congress with the reasons for his refusal. Such an act is called vetoing a bill (Latin *veto*, I forbid). Congress must read and consider his objections, and then vote whether it will pass the bill over his veto. To do this requires a two-thirds majority of those voting in each house. This it has succeeded in doing (1917) only thirty times in the history of the United States, and fifteen of these cases were under President Johnson during his violent dispute with Congress.

It sometimes happens that the President does not fully approve a bill, and yet is not willing, on account of

certain useful or necessary features contained in it, to prevent its becoming law. He can permit it to become law by simply holding it for ten days without either vetoing or signing, provided Congress does not in the meantime adjourn. But if Congress adjourns within ten days of having sent the bill to the President without his having returned it, the bill dies of itself. This method of the President's killing a bill by simply keeping it in his pocket, as it were, is called the "pocket veto." It was first employed by Andrew Jackson as the surest way to get rid of a bill which he feared Congress might be able to pass over his veto.

The Constitutions of the individual States usually make the pocket veto impossible by providing that the Governor must within a certain number of days at the next session return bills submitted to him too near the end of the previous session to permit their return, or else they become law without the Governor's signature.

The reason the Constitution gives the President the right to veto a bill is because even with two houses a bad bill or one contrary to the Constitution is sometimes passed. The President is supposed to be a more than ordinarily wise and careful man, and it is hoped that he will prevent bad laws. The respect for the President is so great that even a bill that received more than a two-thirds vote in Congress nearly always fails to receive that many after the President has vetoed it.

A free people must never cease to esteem its elected legislature as the chief means of preserving democratic institutions. It is none-the-less true, however, that an able and upright executive often represents more clearly the will of the people and expresses it more truly than a many-headed Congress. Hence we have seen the extraordinary confidence reposed in such Presidents as Washington, Jefferson, Jackson, Lincoln, Cleveland, Roosevelt, and Wilson. The effective leadership of such Presidents will, on account of the growing complexity of public business, be of even greater importance in the future.

SUGGESTIVE QUESTIONS

1. *Give any historical reasons (i.e. reasons connected with the facts of our previous history) for Congress consisting of two houses.*
2. *Give any arguments why a two housed legislature is the best.*
3. *Give any arguments in favor of a legislature of only one house.*
4. *Explain how it is that members of Congress may continue to make laws for the people for a whole session after they have been repudiated by the people.*
5. *How could the fault of our system mentioned in Question 4 be remedied?*
6. *Give arguments in favor of the President and Cabinet's having the right to speak in Congress.*
7. *Compare the practice in the English Parliament and other legislative bodies with our own in the matter referred to in Question 6.*

CHAPTER XXXVI

THE SENATE

309. Origin of the Senate.—When the Constitution was formed, the large States desired that representation in both houses of Congress should be in proportion to population. But the small States, like Delaware and New Jersey, were afraid that under this plan they would be oppressed by the large States, who would outvote them in Congress. They demanded, therefore, that in each house, each State, whether large or small, should have the same number of votes. It was agreed, as a compromise, that representation in the House of Representatives should be according to population, but that each State should send two members to the Senate.

310. Numbers, Term and Salary.—There are now (1917) ninety-six Senators. They are elected for a term of six years; but only a third are elected in any one year. Every two years a third of the Senators are elected. In this way two-thirds of the Senate are old members, who have the benefit of at least four years of experience. This, added to the fact that Senators are generally re-elected, gives the Senate an advantage over the House of Representatives and the President. There is no such thing as a new and inexperienced Senate.

The two Senators from a State are not elected in the same year. The salary of a Senator is \$7,500 a year,

traveling expenses, and also wages for a Secretary.

311. Qualifications.—A Senator must be thirty years old, a resident of the State he represents and a citizen for nine years of the United States. He is thus mature and experienced and has had time to become completely identified with the country and its interests.

312. Election.—United States Senators are elected by the people of the State, because they represent the State as a whole. They thus represent the people as grouped in States rather than as parts merely of the nation. Hence some States have far greater power in the Senate in proportion than others. If New York, e.g., had representation in proportion to Nevada's two Senators (1911-21), she would have 224. This arrangement was placed in the Constitution to protect the rights of the small States, and without it the Union could not have been formed.

Before 1913 United States Senators were elected by the State Legislature. But even before the Constitutional amendment of that year established popular election, over half the States had accomplished the same purpose by a custom as strong as law of the Legislature's always electing the man nominated in a popular election.*

313. Officers.—The Senate is presided over by the Vice-President of the United States, or in his absence by one of its own members, whom it elects. The Senate also elects a clerk, a number of assistant clerks, a chap-

* South Carolina elects one United States Senator in 1918 and one in 1920, and so on every six years.

lain and a number of other officers, such as are needed. None of these are members of the Senate.

314. Committees.—The Senate works by committees in very much the same way as was explained in describing the State Legislature (sections 131–133). The United States Senate at the beginning of each Congress elects about fifty committees called “Standing Committees,” because they hold their positions during the whole two years of the Congress.

Each Senator is on several committees. The party that has a majority in the Senate allows some members of the opposite party on each committee, but always elects a majority of its own members, in order to control the acts of the committee in the way their party desires.

The most important committees are those on appropriations, commerce, finance, foreign relations, interstate commerce, judiciary, military affairs and naval affairs.

315. How the Senate Transacts Business.—All bills and most other matters which come up are handed over to the proper committees to be investigated and reported on. Most bills referred in this way are never heard of again; they are “killed in committee.” As many bills are foolish and useless, the time of the Senate is saved. It is also true, however, that members frequently, in both houses, introduce useless and foolish bills for outside

effect because they know that such bills will die in committee.

When bills are reported by the committee to the Senate, they are discussed before the whole body. There is more good debating in the Senate than in the House, for the reason that the Senate has so few members that each man who desires has time to discuss a bill fully. But the House is so large that it has very little time to listen to speeches unless they are short.

316. The Three Readings.—The rule of Congress is the same as that of the State Legislature in requiring that each bill shall be read aloud by the clerk on three separate days in each house, so that nothing will be done hastily.

317. Special Powers of the Senate.—In law-making the powers of the Senate are exactly the same as those of the House, except that it cannot introduce a bill to lay taxes, but must wait for the House to do this, just as is the case in the State Legislature (section 130). But the Senate has four powers which the House has not. These are:

The right to confirm or reject by a majority vote all appointments by the President.

To confirm or reject by a two-thirds vote all treaties with foreign nations made by the President.

To elect the Vice-President if there is no election by the electoral college.

To try impeachments against the President or any other civil officer * of the United States government and by a two-thirds vote find him guilty.

Members of Congress cannot be impeached. To the present time (1917) only nine impeachments have ever been brought before the Senate. Only three of these were successful, one of which was against a drunken United States District Judge, in a time of great political bitterness, whom the party in power disliked, another against a United States District Judge in Tennessee who joined the Confederates, the third against a corrupt judge. So that impeachment has proved very difficult.

Only one President has been impeached, Andrew Johnson. Conviction failed in his case; but if only one Senator who voted "not guilty" had voted "guilty," it would have succeeded.

318. Great Senators.—The United States Senate has been one of the three most famous legislative bodies in the history of the world; the other two being the Senate of the ancient Roman Republic and the British House of Commons. Most of the great debates and famous speeches in the history of Congress have been in the Senate. Until 1859 it met in the small room now occupied by the Supreme Court. There Calhoun displayed his wonderful reasoning powers, Clay poured forth his burning oratory, and Webster uttered his unsurpassed masterpieces of eloquence.

Besides these the Senate has been adorned with the learning, eloquence and patriotism of many other distinguished men: John M. Clayton of Delaware; William H. Crawford, Robert Toombs, Benjamin H. Hill and John B. Gordon of Georgia; Stephen A. Douglas of Illinois; Judah P. Benjamin of Louisiana; James G. Blaine of Maine; Robert Goodloe Harper and William Pinkney of Maryland; John Quincy Adams, Rufus

* A civil officer is one not in the army or navy.





UNITED STATES SENATE CHAMBER

Choate, Charles Sumner and Edward Everett of Massachusetts; Jefferson Davis of Mississippi; Carl Schurz of Missouri; William H. Seward of New York; Zebulon B. Vance of North Carolina; John Sherman and Salmon P. Chase of Ohio; Pierce Butler, Charles Pinckney, Gen. Thomas Sumter, Robert Y. Hayne, William C. Preston, Wade Hampton, George McDuffie and James H. Hammond of South Carolina; Andrew Jackson of Tennessee; James Monroe and John Randolph of Virginia.

319. Reasons for the Senate's Influence.—The Senate and the Supreme Court have grown more influential than the founders of our government foresaw, while the President has gained little, and the House of Representatives has rather lost. In the conflicts over different policies which frequently occur between the Senate and the House or between the Senate and the President, the Senate generally attains the larger measure of success. In such contests the Senate rarely yields to anything short of an emphatic and persistent condemnation of its course by public opinion. Three reasons serve to explain the Senate's great influence:

First, its special powers. By refusing to confirm appointments or treaties it can do a great deal to force the President to submit to its demands.

Second, its small numbers. It is easier to hold a small number of men together and induce them to act in harmony. This helps the Senate greatly against the House with its larger numbers and divided counsels.

Third, its length of term and manner of renewal. The Senators are practically all public men of long experience. Many of them have formerly been members

of the House, and so understand the ways and the weaknesses of that body. Many are successful business men of great wealth whose success over powerful rivals in their business careers gives them skill and confidence in their contests with the President or the House. The fact that only a small number of the Senators are new Senators, as a Senator is usually re-elected, and that only a third of the body is elected at a time, makes the Senate a continuous body that never loses by a temporary dissolution any vantage ground once gained.

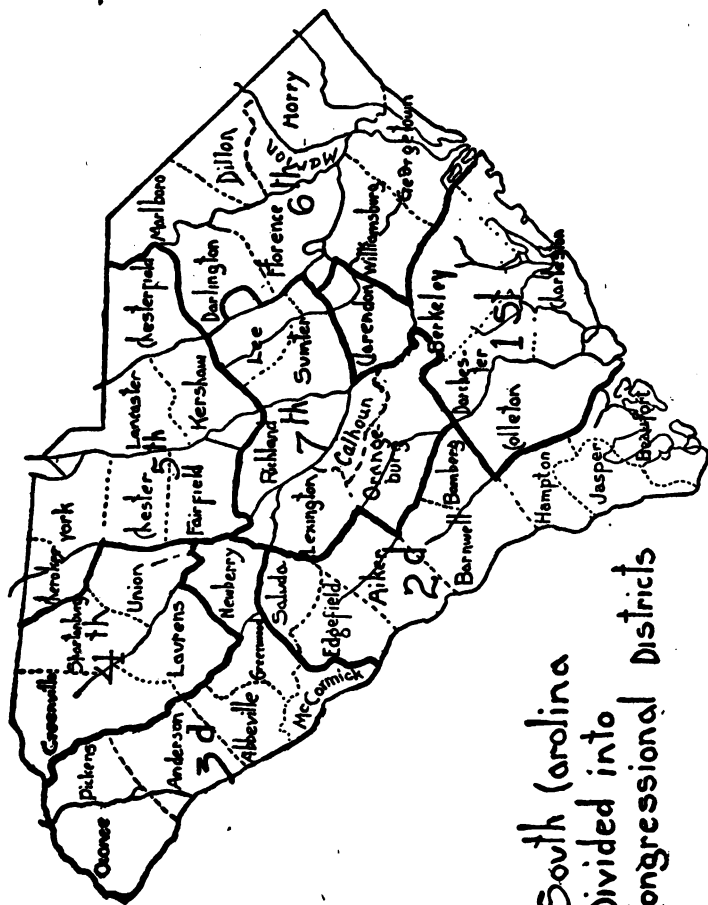
SUGGESTIVE QUESTIONS

1. *Give some arguments for the committee system of handling bills.*
2. *Give some arguments against the committee system.*
3. *Mention any objection to the great influence of the Senate.*
4. *Point out any benefits of the Senate's great influence.*

CHAPTER XXXVII

THE HOUSE OF REPRESENTATIVES

320. Numbers, Term, Salary.—The Lower House of the United States Congress is called the House of Representatives. It consists (1917) of four hundred and thirty-five members, elected for a term of two years. A Representative can be re-elected any number of times, and in South Carolina we generally re-elect our Representatives several times; but taking the country at large,



South Carolina
Divided into
Congressional Districts

only about half the Representatives are re-elected. This causes half the House always to be new, inexperienced men and gives the Senate a great advantage whenever there is any disagreement between the two houses.

The salary is \$7,500 a year, with traveling expenses from home and back every time Congress meets, and wages for a secretary. The Speaker is paid \$12,000.

321. Qualifications.—The Constitution provides that a member of the House of Representatives must be twenty-five years of age, must have been a citizen of the United States for seven years, and must reside in the State from which he is elected.

322. Apportionment.*—The House of Representatives does not consist of a fixed number from each State, like the Senate; each State sends one Representative (1912) for every 212,000 population. Tennessee, for instance, has ten Representatives because she has, in round numbers, a population equal to ten times 212,000. But every State must have at least one Representative, no matter how small its population. There are five States of this kind. New York, with her great population, sends forty-three. Members are reapportioned every ten years, after each census.

323. Election.—Each State is divided by its Legislature into as many congressional districts as it is entitled

* Apportionment means dividing something among different persons or groups.

to elect Representatives. The people in each district elect a Representative by popular vote. The man getting the most votes is elected; a majority is not required.

In South Carolina the Democrats nominate their Representatives in a primary election, just as they do other officers, and the man getting a majority in the primary is always elected, because nobody runs against him in the general election (sections 253-254).

A Representative is not required by law to live in the district he represents; but the people in a district will not vote for an outsider, so custom requires the candidates to be residents of the district. Occasionally in a large city which is divided into two or more congressional districts, the people of one district have elected a Representative who lived in another district of the city. The United States is the only great self-governing country in the world in which custom requires a Representative to live in the district he represents.

324. Method of Work.—The House works in very much the same way as the Senate, except that it is much more hurried and confused on account of its larger membership, and depends more largely upon its committees than upon debate before the whole house.

The hall of the House is so large, including its great gallery capable of seating 2,000 visitors, that only a strong voice can be heard. A great many more bills are introduced in the House than in the Senate, and this also compels the House to depend more upon committee work. About 15,000 bills and joint resolutions are sometimes introduced in the House in one session of Congress. The Senators ordinarily introduce about a third as many. It is said * that less than one in thirty of the bills introduced become laws. In some years, however, as many as one in ten or fifteen are passed.†

325. Committees.—The House has over 60 “standing committees,” besides any special committees that may

* Bryce, *American Commonwealth*, I, 137.

† Ashley, *American Federal State*, 251.

be needed. Bills, resolutions or other business are referred to the proper committee and are usually never heard of again. If the committee makes an unfavorable report on any bill, the House usually decides against the bill; for it supposes that the committee has investigated the matter carefully and has good reasons for reporting against it. If a bill is favorably reported, it has a good chance of being passed by the House. The really important and powerful committees number about sixteen. Of these the principal ones are the Ways and Means Committee, which prepares the tariff and other bills for raising revenue, and the Committee on Rules.

326. The Committee on Rules.— This committee is so important that we must understand its duties. Like the others, it is elected by the House, and consists of eleven members, of whom the Speaker cannot be one.* Remembering the vast amount of business which comes before the House, and its large membership (§ 324), it is plain that unless some rather strict rules for introducing bills, conducting debate, etc., were adopted, matters would fall into confusion, affairs of the utmost importance would be lost sight of amid the chaos of every man's striving for his own pet measures, and the business of government would not be accomplished. For

* Before 1910 it consisted of the Speaker as Chairman and four others appointed by him. As you will understand directly, this gave the Speaker a tyrannical power over the House and made him its master as well as its servant.

these reasons the House has created the Committee on Rules and given it extraordinary powers. The Committee says that a bill shall or shall not be brought up for debate; limits the right of offering amendments, and the number and length of speeches, as it sees fit. It generally discharges these duties, involving such tremendous consequences for the country, in a wise and conscientious spirit, and the House may, if it chooses, destroy or set aside its authority. Such a system greatly limits the freedom of individual members of the House, but it is impossible to imagine how some such system can be avoided. It impresses very powerfully upon us the unwisdom and peril of enlarging the duties of Congress beyond what the interests of the American people absolutely demand. Such a course would destroy our local liberty and leave Congress unable properly to attend to the duties which it alone is fitted to perform. The theory of the Fathers of the Republic that the people in their State Legislatures and local divisions should discharge all the functions of government for which these bodies are suited has been proved by time to have been statesmanship of the highest order.

The only way besides the committee system in which such an immense mass of business could be transacted in a large legislative body is the English system of a ministry, who are practically a committee of about twenty of the leaders of Parliament who prepare all important bills and defend them in open debate before the whole House. This, like our system, also reduces the individual member to small importance. The relative merits

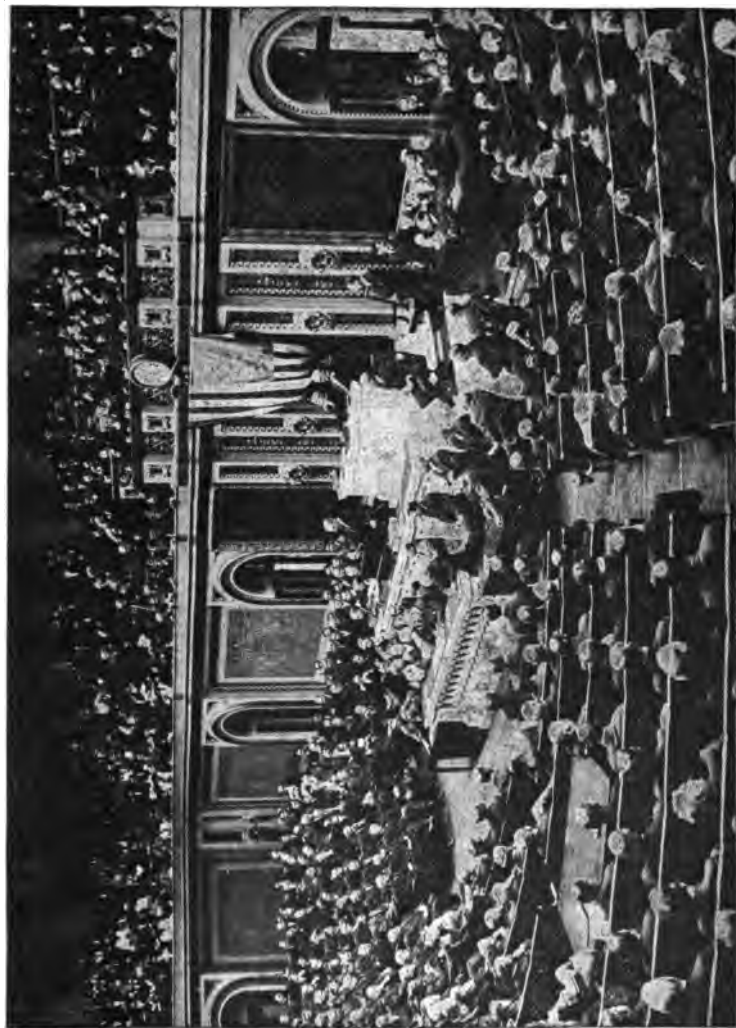
of the English and American systems would be a good subject for debate.

327. Election of Committees.—In 1911 a rule was adopted that all standing committees, instead of being appointed by the Speaker, should be elected by the House.

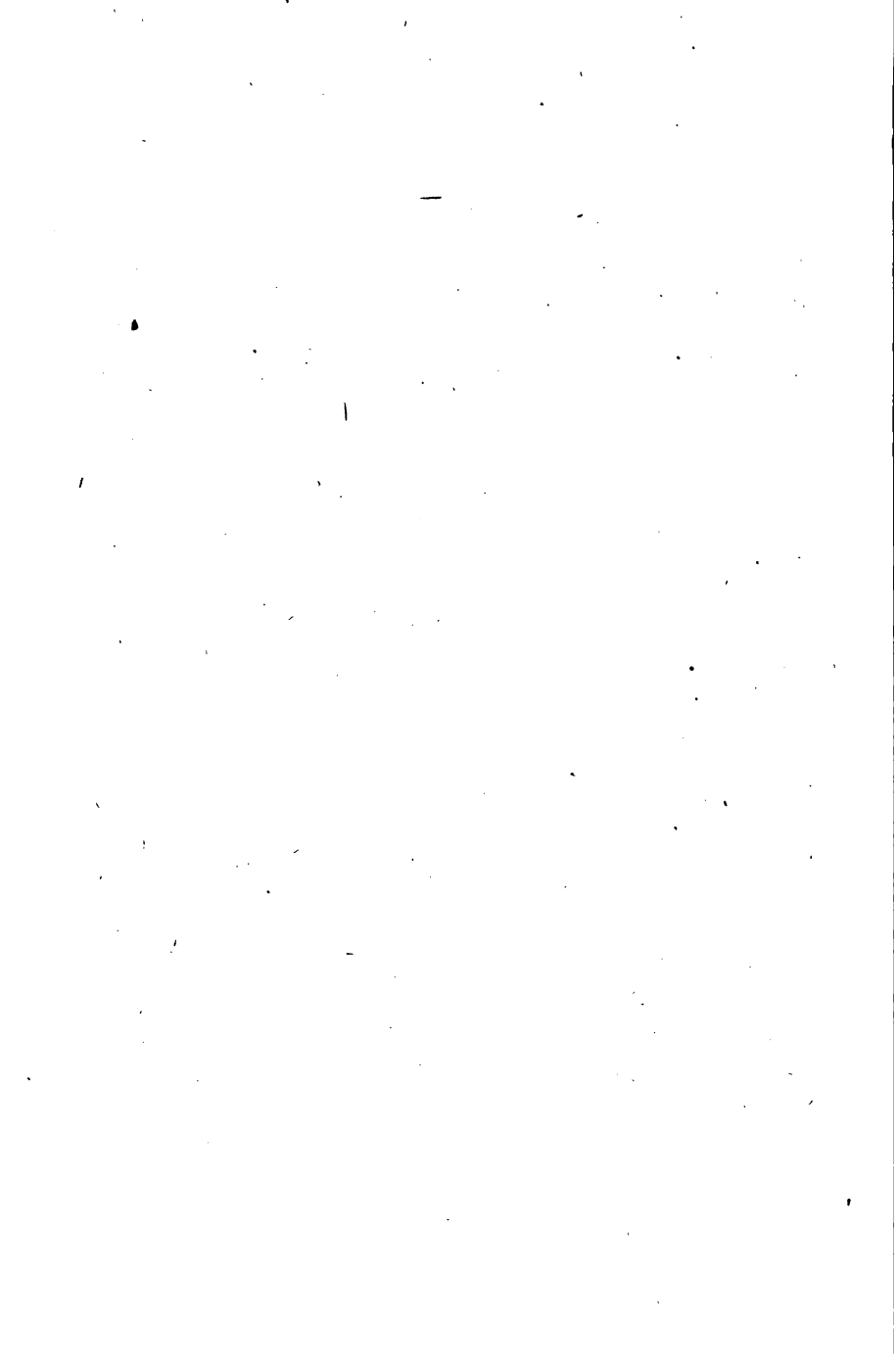
The actual process is as follows, illustrating again how impossible it is for large bodies to accomplish anything without surrendering a large part of their authority to a few leaders: The members who belong to the party having a majority, and therefore the control, in the House of Representatives hold a meeting to themselves, called a caucus. This caucus names its choice for the members of the Ways and Means Committee, allowing the other party to have something less than half the members. The gentlemen named for the Ways and Means Committee then make out the list of all the other committees, always allowing a minority to their opponents, and submit them for revision and approval to the caucus. Every man in the caucus will stand by what it does, and therefore when the gentleman selected for chairman of the Ways and Means Committee rises in the House of Representatives and says, "Mr. Speaker, I nominate these gentlemen as members of the following committees," his motion is immediately carried. This is the way and this the sense in which the House of Representatives elects its committees. These changes in the rules of the House, among the most important in its history, were made because the personal power formerly exercised by the Speaker was considered too great for one man in shaping the laws of a representative government.

328. The Speaker.—The presiding officer of the House of Representatives is called the Speaker. He is elected at the beginning of each Congress and serves until a new Congress comes in two years later. The Speaker is selected from the principal leaders of the party in the majority in the House.

329. Power of the Speaker.—The Speaker is the most



UNITED STATES HOUSE OF REPRESENTATIVES



powerful and important presiding officer in the world, in spite of the fact that in 1910-11 his power was greatly reduced by his being excluded from the Committee on Rules and deprived of the appointment of committees. It sometimes used to be said that the Speaker of the House of Representatives had more power than the President of the United States. Certainly a bold and able Speaker was more influential than a weak or timid President.

330. Causes of the Speaker's Power.—The great power of the Speaker rests mainly on three facts.

First, his personal influence.—No man can be elected to this high position except one of marked personality. He necessarily is one enjoying great popularity and respect among his fellow members, and hence his personal and official influence in helping or suppressing any measure is very great.

Second, he is the recognized leader of the majority party in the house.—Thus he commands, through sentiments of party loyalty, interest, etc., a much stronger influence than would be possible to a mere individual.

Third, he recognizes whom he pleases.—In most public bodies it is the duty of the presiding officer to allow that member to speak who first rises and says, "Mr. Speaker." But that is not so in the House of Representatives. The Speaker can thus give a better chance to the strong and influential debaters on his side and

can prevent the time of the House from being wasted by insignificant men. He can also prevent the opposite side from getting its full share in the debate; but this is considered so unfair that the Speaker nearly always gives the members on both sides a chance to state their arguments, and moreover exercises this authority under certain rules.

331. Special Powers of the House.—The House has three special powers which do not belong to the Senate.

First, all bills to lay taxes must be begun by it, because its members represent directly the people who are taxed, and not, like the Senators, the States as units.

Second, the House can impeach the President or any other civil officer of the United States government. The House draws up a formal charge, called articles of impeachment, against the officer and appoints several of its members to manage the case. They then go before the Senate and show by witnesses and speeches why the officer ought to be found guilty and removed from office.

Third, if no candidate for President gets a majority in the electoral college, the House elects a President from the three candidates having the highest number of electoral votes. When the House has to perform this duty, as has twice been the case, the Representatives from each State decide among themselves whom they will vote for, and each State casts one vote. A majority of all the States in the Union is necessary to elect.

331a. Amending the Constitution— The description of amending the Constitution of the United States has been deferred to this point because it can be understood better after a study of the two houses of Congress, which play such an important part in the process. Amending is very difficult, and accordingly has been very seldom done. Amendments may be proposed in either of two ways. The simplest method, and the one that has always been employed, is for each house of Congress to pass the proposed amendment by a two-thirds vote. The other method is for a convention to be summoned on the demand of two-thirds of the States for the purpose of suggesting amendments. In either case, the proposed amendment in order to be adopted must be ratified by the Legislatures or by special conventions in three-fourths of the States. Ratification by the State Legislatures has always been the method employed. The signature of the President is not required.

This is very undemocratic, as it makes it possible for a small fraction of the people to defeat the will of a great majority. The thirteen smallest States (just enough to defeat an amendment) contain barely one twenty-second of the population of the country. If they should defeat an amendment by a bare majority, it would be one forty-fourth of the people defeating a measure carried by a majority more or less large of forty-three forty-fourths of the people.

Due to the great difficulty of amendment, only the following have been adopted: The first twelve were added during the first few years following the adoption of the Constitution to remedy defects that had been discovered, and may almost be considered part of the Constitution as originally adopted. The XIII, XIV, and XV were adopted as the result of the War of Secession to register the decision on slavery determined by that great conflict. The XVI, permitting Congress to lay taxes on incomes from whatever source derived, and the XVII, ordering the popular election of United States Senators, came as the result of a long struggle and a remarkable democratic upheaval.

SUGGESTIVE QUESTIONS

1. *How many congressional districts are there in your State?*
2. *Who is your Congressman?*
3. *Divide the population of your State by 212,000 and see how many Congressmen the State ought to have. Find out if this is really the number.*
4. *Give some arguments in favor of requiring a Congressman to live in the district he represents.*
5. *Give some arguments against requiring a Congressman to live in the district he represents.*
6. *Who is now the Speaker of the House of Representatives? To what party does he belong?*
7. *Can you think of any reasons that would tend to make the Speaker treat both Democrats and Republicans fairly?*

OUTLINE REVIEW OF THE LEGISLATIVE DEPARTMENT OF THE NATIONAL GOVERNMENT

Congress.

- Two houses (§ 303).
- Nature of the two houses (§ 304).
- Time of meeting (§ 305).
- Powers of Congress (§§ 306 and 283-300).
- President's veto (§§ 308; 343).

The Senate.

- Origin of the Senate (§ 309).
- Number, term and salary of Senators (§ 310).
- Election of Senators (§ 312).
- Presided over by Vice-President (§ 313).
- Committees and their work (§§ 314-315).
- Bill must pass three readings to become law (§ 316).
- Special powers of the Senate (§ 317):
 - Ratifying treaties.
 - Confirming appointments.
 - Tryng impeachments.
 - Electing Vice-President in case of no election by electors.
- Great influence of the Senate (§ 319).

The House of Representatives.

- Number, term and salary of Representatives (§ 320).
- Apportionment and election of Representatives (§§ 322-323).
- Method of work (§ 324).
- Committees (§ 325).

House of Representatives (*continued*).

The Speaker and his great power (§§ 328-330):

Personal influence.

Is leader of the party in power.

Recognizes whom he pleases.

Special Powers of the House of Representatives (§ 331).

Originates all tax bills.

Possesses sole power of bringing impeachments.

Elects President in case of no election by electors.

Amending the Constitution (§ 331a).

Two methods of proposal;

By two-thirds vote of Congress.

By convention summoned on demand of two-thirds of the States.

Ratification:

By Legislatures of three-fourths of the States.

By conventions in three-fourths of the States.



Part II.—The Executive Department

CHAPTER XXXVIII

THE PRESIDENT

332. Undivided Executive Authority.—The executive authority is very differently placed in the national government from what it is in the State governments. You remember (section 148) that in the State government the executive work is distributed among a number of officers, each of whom is independent of the others. Even the Governor has no control, but only a sort of oversight, over the heads of the different executive offices.

In the United States government it is entirely different. The Constitution puts the whole executive department under the control of the President. The heads of the different executive offices are appointed and discharged by the President, and the country looks to him to use his power to secure honesty and efficiency in every branch of the executive work.

333. Advantages of Concentrated Executive Authority.—The chief reasons which led the framers of our Constitution to adopt this system are that it makes administration more efficient, and it enables the people to fix the responsibility for good or bad administration of the

government definitely on one man. As his responsibility is so great, the President is very anxious to secure the very best men to attend to the different branches of the executive business. If the Post Office Department or the Department of War is badly administered, public opinion forces the President to discharge the unsatisfactory officer. But if the heads of the different executive offices were elected by the people, they could not be put out of office until the next election except by impeachment, and this is so difficult that it is practically never done.

Another advantage of having the President responsible for the whole executive department is that frequently men who make the best executive officers, and would therefore be likely to be appointed by the President, are men who could never succeed in being elected by the people.

334. Term.—The President is elected for four years. Almost without exception our ablest Presidents have been elected for a second term. Washington and Jefferson both refused to be elected for a third term, and their example is so much respected that the people have never been willing to elect any other President more than twice.

335. Qualifications.—The President must be at least thirty-five years of age, and must have been born a citizen of the United States. This is in order that the President may always be a man who thoroughly under-

stands American institutions and will administer the government on American principles. No other officer besides the President and Vice-President is required to have been born an American citizen.

When the Constitution was adopted there were a number of noble patriots who had helped to win the country's freedom, such as Alexander Hamilton and Albert Gallatin, who were born in foreign countries, but had lived in America for many years. In order to make it possible for such men to be elected President the Constitution provided that any man of the required age who had lived in the United States for fourteen years at the time of the adoption of the Constitution (that is, since the year before the Revolution began) might be elected President. But no such man was ever even nominated. Of course all foreign born citizens who came to this country as early as 1774 are long since dead; so that this clause of the Constitution has now no practical application.

336. Salary.—The President receives a salary of \$75,000 a year. This looks like a very large amount; but the expenses the President has to meet are so great that he generally goes out of office without having saved anything.

Congress cannot change the salary during the President's term; because if it could, it might bribe him by an increase or intimidate him by a reduction.

337. Method of Election.—The framers of the Constitution thought that the masses of the people in a large country like ours would not know the leading public men well enough to be able to make the wisest choice for President. They thought it would be best to have the President elected by a small number of leading citi-

zens elected by the people for this purpose. These leading citizens would be likely to know the good and bad qualities of any candidate. Most likely they would know him personally. For these reasons the Constitution says that each State shall vote for a certain number of electors, who shall elect the President.

Each State has as many Presidential electors as it has representatives in both houses of Congress. For instance, South Carolina has two Senators and seven members of the House of Representatives; therefore she elects nine Presidential electors. New York has forty-three members of the House of Representatives and two Senators, which gives her forty-five Presidential electors, the greatest number of any State.

338. Election of the Presidential Electors.—Each State has the right to select its electors in any way it pleases, but for many years they have been elected by the people of the whole State on one ticket. At first in many States they were elected by the Legislature, and in some by the people of each district voting for them separately, just as for Congressmen. South Carolina, in 1868, was the last State to put the election of electors in the hands of the people.*

* The Constitutional Convention of 1865 expressed its opinion that electors should be elected by the people, but did not put it in the Constitution. I thank Mr. J. S. Reynolds for this information. The Constitution of 1865 was soon overthrown by Congress's "Great Reconstruction Act" of 1867.

Presidential electors are elected every fourth year, because the President's term is four years. The year is one that can be divided evenly by four; for instance, 1900, 1904, 1908, 1912. Congress has fixed the day all over the United States as the Tuesday after the first Monday in November.

Presidential Electors.

THOMAS B. BUTLER.
R. H. TIMMERMAN.
J. D. BIVENS.
CHARLES CARROLL SIMMS.
M. L. BONHAM.
T. B. CREWS.
S. W. HEATH.
R. B. SCARBOROUGH.
JOHN T. SLOAN.

Democratic electoral ballot used in South Carolina in 1908.

339. How the Electors Elect the President.—The men who have been chosen electors go to the State capital in the following January and vote for a man for President and one for Vice-President. They send the record of their vote to Washington, where it is locked up in an

iron safe. In February the Senate comes into the hall of the House of Representatives, and in the presence of both houses the votes of all the States are counted. The man who gets a majority is elected.

340. Election by the House of Representatives.—It has happened twice that no candidate received a majority of the electoral vote. The Constitution provides that in that case the House of Representatives shall elect the President from the three candidates who received the highest number of electoral votes. For instance, in 1824 Jackson received 99 votes, Adams, 84, Crawford, 41, and Clay, 37. The House of Representatives then had to elect either Jackson, Adams or Crawford. They elected Adams.

In voting for President, the Representatives from each State decide which candidate they will cast the vote of their State for. Thus each State has only one vote. In an election by the House a candidate must receive the votes of a majority of all the States in the Union in order to be elected.

341. Inauguration.—On the 4th of March (or the 5th if the 4th comes on Sunday) after his election, the President takes the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

He then reads publicly a paper declaring what objects

he proposes to accomplish and how he intends to treat different matters which are before the country. This is called his inaugural address.

342. Duties.—The duties of the President are, in general, to see that the laws are faithfully executed. He has full power to do this, for the whole executive power is in his hands. Besides these general duties, he has any particular executive duties which the law may lay upon him. Besides these he has certain other powers which it is his duty to exercise to the best interests of the country.

343. Veto.—The Constitution gives the President the right to veto any bill passed by Congress. This has already been explained in section 308. The early Presidents generally used the veto only when they thought a bill was unconstitutional; but now the President vetoes a bill for that or any other reason he chooses. The veto power has been wisely used, and has protected the country against some very hasty and harmful laws. The veto power does not enable the President to force any bad law on the country; but it does enable him to keep Congress from so doing. It is not likely that the President will use his power to prevent a good law.

344. Treaties.—A treaty is a written agreement between two or more countries, in which they do or promise to do certain things. For instance, by the treaty of peace in 1898 Spain gave us the Philippine Islands and Porto

Rico and set Cuba free, and we agreed to pay Spain \$20,000,000. In a treaty in 1842 England and the United States promised to surrender any murderers or burglars who escaped from one country to the other.

345. The Treaty Making Power.— The President has the right to make all treaties; but, as we learned in section 317, no treaty becomes law or has any force until the Senate agrees to it by a two-thirds vote.

Originally the Senate left the President to make treaties very much as he chose, and confirmed the treaties when presented to it, unless they contained some bad feature; but soon the Senate began to compel the President to consult it all along while making the treaty. If he does not do this the Senate will almost certainly refuse its confirmation.

346. Appointing Power.— The Constitution gives the President the right to appoint all officers in the army and navy and in the different executive offices, subject to confirmation by a majority vote of the Senate. Congress may, however, pass laws giving the courts or the heads of the different executive departments or the President himself the right to appoint the less important officers without confirmation.

347. "Senatorial Courtesy."— As the Senate must confirm appointments by the President, it can often compel him to appoint the men it wants by refusing to confirm anybody else. This makes the President's real power much less than it appears. The Senators from the different States, if they belong to the same political party as the President, insist on his taking their advice in many

cases and appointing their friends to offices in their States. The Senators have come to stand by each other in this, and so largely control the President's appointments. This is called "Senatorial courtesy."

The Senate has never attempted, however, to deny the President full freedom in the appointment of members of his cabinet except during its struggles with President Jackson and President Johnson.

348. Civil Service Reform is a movement to secure the appointment of officers on account of merit instead of on account of their holding certain political views or being the favorite of some official or politician. It has already greatly improved the character of thousands of the government officials and is sure to do great good by putting better and better men into appointive positions.

Anybody who chooses can stand examinations before the government, and the appointments to these offices which are under the Civil Service Reform rule must be made from those who stand the best examinations. So long as they perform their duties faithfully and well they cannot be discharged.

349. The Vice-President.—The Vice-President is elected at the same time as the President and must have the same qualifications, as he may at any time become President. In case the President dies, resigns, is removed by impeachment or is permanently unable, on account of illness, to attend to his duties, the Vice-President

exercises the duties of President. The Vice-President has never been called upon to exercise these duties except because of the death of the President; this has occurred five times. The salary is \$12,000.

350. Law of Succession.—After the Vice-President becomes President there is nobody to take his place as Vice-President. The Senate simply is presided over by one of its own members.

If the President and Vice-President both die, the Secretary of State becomes President; if he dies, the Secretary of Treasury; if he dies, the Secretary of War; and so on through the Attorney-General, the Postmaster-General, the Secretary of the Navy and the Secretary of the Interior. If a cabinet officer has not yet been confirmed by the Senate, or is not thirty-five years old and a native born citizen, he is skipped in the succession.

This law was passed in 1886. Before that time there was another arrangement, not at all good, under which serious confusion might have arisen; but now there is no reasonable possibility of the country's being left without a President.

SUGGESTIVE QUESTIONS

1. *Why is a strong President not likely to get along well with the Senate?*
2. *Has there ever been a President elected from South Carolina?*
3. *Has there ever been a Vice-President elected from South Carolina?*
4. *Have Vice-Presidents who have succeeded to the Presidency made satisfactory Presidents?*

5. *Is the Vice-Presidency a good or bad arrangement? Why?*
6. *Find out some Federal officers that are under Civil Service Reform rules.*

CHAPTER XXXIX

THE PRESIDENT'S CABINET

351. Definition.— The cabinet is a body of ten men whom the President appoints to attend to the different branches into which the executive business has been divided.

352. Why Necessary.— No one man could attend to all the vast executive business of a great government. For this reason the President, whose duty it is to see that it is all attended to, has to appoint his cabinet to help him. The work of each cabinet officer even is so great that he has to have several officers to divide it with him, each of whom has many subordinates under him.

The cabinet does not relieve the President of any of his responsibilities as chief executive. Each cabinet officer is responsible for the faithful discharge of his own duties, and can be punished for violating the laws. The President cannot be punished for wrongs done by a cabinet officer; but he is responsible for the officer in the sense that he must watch him and discharge him in case he is not honest or efficient.

353. The Executive Departments.— The business un-

der the charge of a cabinet officer is called an executive department. There are at present (1917) ten:

The Department of State, under the Secretary of State (created in 1789).

The Treasury Department, under the Secretary of the Treasury (created in 1789).

The War Department, under the Secretary of War (created in 1789).

The Department of Justice, under the Attorney-General (a department 1871, though the Attorney-General has been a member of the cabinet since 1789).

The Postoffice Department, under the Postmaster-General (created in 1794, but the head of this department was not recognized as a cabinet officer until 1829).

The Navy Department, under the Secretary of the Navy (created in 1798).

The Interior Department, under the Secretary of the Interior (created in 1849).

The Department of Agriculture, under the Secretary of Agriculture (created in 1888).

The Department of Commerce, under the Secretary of Commerce (created in 1903).

The Department of Labor, under the Secretary of Labor (created in 1913).

354. Appointment, Term, Salary.—The cabinet officers are appointed by the President. They must be confirmed by a majority vote in the Senate; but it is so

important that the President be free to choose his advisers that the Senate has never refused its confirmation except on a few occasions during violent disputes with the President.

The President can discharge a member of his cabinet for any reason that he sees fit, without anybody's consent or advice. This is right, because the Constitution gives the whole executive power and responsibility to the President, and he cannot meet these great duties properly unless he is free to discharge his counselors and assistants and have them attend to the executive business in the way he thinks best.

The salary of a cabinet officer is \$12,000.

355. Advisers of the President.—The President may ask the advice of the whole cabinet or any member on any government question. He can require a member to give his opinion in writing on any matter connected with his own department.

It is customary for the President to have a meeting of the cabinet once a week, at which matters of importance are discussed. After full debate, a vote is often taken to find what the majority of the cabinet think; but this does not bind the President. He can refuse to take their advice; they are his counselors and assistants, not his masters. It is sometimes the case, however, that several members of the cabinet are wiser and greater men than the President, and by their influence

enable him to be a much better President than he could be by his own wisdom alone. Some of our weakest Presidents have had the advice of some of our greatest statesmen as members of their cabinet.

356. Relation to Congress.—The head of each executive department knows, or should know, more than anybody else about the needs and best interests of his department and how it can be made of most benefit to the country. For this reason, and also in order that Congress may know the condition of the executive business, each secretary makes a report every year to Congress. The report gives an account of what has been done and makes suggestions and requests as to any needed improvements.

Congress can at any time investigate any department. It does this when a department is suspected of wrongdoing.

357. Great Men Who Have Been Cabinet Officers.—Many of our greatest men have failed to be elected President, as Hamilton, Calhoun, Clay and Webster. But almost all our greatest statesmen have served their country in the cabinet. Jefferson, Marshall, Madison, Clay, Webster, Calhoun, Seward, Blaine and Hay have been Secretary of State; Hamilton, Gallatin and Taney have been Secretary of the Treasury; Calhoun, Jefferson Davis and U. S. Grant have been Secretary of War.

SUGGESTIVE QUESTIONS

1. *Who are the six South Carolinians who have been cabinet officers?* (The New York World Almanac contains much information of this kind.)
2. *Cite cases in which the President was inferior as a statesman to one of his cabinet.*
3. *What influence has his cabinet on the success of a President's administration?*

CHAPTER XL

THE DEPARTMENT OF STATE

358. Foreign Affairs.— Among nations there constantly arise questions whose settlement requires the highest ability. Some concern the affairs of peace, as agreeing on disputed boundaries, securing fair treatment for their citizens residing abroad, or the surrender of fugitives from justice. The treaties, rules, and binding customs governing their affairs constitute what is known in international law as the law of peace. During war civilized nations are supposed to conduct hostilities according to certain rules designed to prevent unnecessary cruelty to each other and the violation of the rights of neutrals. These rules are known in international law as the law of war. Any nation violating international law is liable to have to pay money damages or to be punished by having war made upon it by the injured nation, provided the one injured is strong enough to enforce its rights.

359. Principal Duties of the Secretary of State.— The Secretary of State receives the representatives whom other countries send to the United States to look after their interests, and sends instructions and advice to our officers who attend to our interests in foreign countries. The law prescribes with more or less detail the duties of other cabinet officers and limits the right of the President to give them orders according to his own discretion. But the Secretary of State must obey the President in all respects in the conduct of his office, since it is necessary to entrust the delicate and important relations with foreign governments to the untrammelled authority and responsibility of the Chief Executive himself.

360. The Diplomatic Service.— The officers who are sent to foreign countries to represent this government and protect the interests of our citizens are called the diplomatic service. Though they should be men of great ability and have often to act in unforeseen circumstances on their own judgment, they must obey absolutely the instructions of the Secretary of State; and nothing they do is binding unless confirmed by their government.

361. Grades.— The United States has three grades of diplomatic officers, according to the importance of the countries to which they are sent. First, there are Ambassadors. There are (1917) thirteen of these, one sent to each of the following countries: Argentina, Austria-Hungary, Brazil, Chile, France, Germany, Great Britain,

Italy, Japan, Mexico, Russia, Spain, and Turkey. The full title is "Ambassador Extraordinary and Plenipotentiary." Second, there are thirty bearing the title "Envoy Extraordinary and Minister Plenipotentiary." These are sent to countries like Greece, Peru, and so on down. Third, to two insignificant countries we send "Ministers Resident."

Sometimes because the President cannot secure just the man he wants, or for some other reason, he appoints instead of an ambassador or minister a "*chargé d'affaires*" (pronounced *sharshay daffair*), which means, "one in charge of affairs." The "*chargé d'affaires*" usually holds office only a few months until a regular ambassador or minister is appointed.

362. Appointment.—All diplomatic officers are appointed by the President, and may be discharged by him at any time. The President's power to discharge is necessary, because a minister who becomes dissatisfied or opposes the President's ideas cannot be trusted to carry out his wishes. Ambassadors and ministers are not appointed to act according to their own views, but simply to conduct the government's affairs with foreign countries in the way directed by the Chief Executive, the President.

363. The Secretary of State and the Diplomatic Service.—The Secretary of State sends all instructions to our diplomatic officers and receives all their reports. Foreign

representatives can address official communications or hold formal interviews only with him, though the President in effect often settles questions in informal conversations with the representatives of foreign governments. The Secretary signs all dispatches to foreign governments and to him are addressed their communications.

364. Freedom Allowed the Secretary.—The President allows the Secretary of State considerable freedom in conducting our foreign relations. He tells the Secretary what general objects and principles he is to pursue and constantly advises with him on important matters; but he does not usually interfere with the particular words or acts of the Secretary. We see the wisdom of this method when we remember that so many of our wisest and greatest statesmen have been Secretary of State, as Jefferson, Marshall, Madison, Monroe, John Quincy Adams, Clay, Webster and Calhoun. In critical affairs, however, the President sometimes writes the entire communication, submits it to discussion in Cabinet meeting, and simply has the Secretary of State sign his name.

365. Treaties.—The Secretary of State has direct charge in the forming of treaties. A treaty is a written agreement between governments, and forms a part of the law of the countries signing it. When treaties between the United States and any other country are made in Washington, the Secretary of State usually attends to the work in person; when they are made in some foreign

country, he acts through our ambassador or minister there, or a special representative.

366. The Consular Service.—The next most important duty of the Secretary of State is to direct the consular service. A consul is an officer sent to a foreign country to guard the business interests of his fellow citizens abroad, to keep his government informed on trade conditions, and to increase his country's foreign commerce. Diplomatic officers are entrusted with the business arising between governments; consuls attend to business concerning private citizens. Only one ambassador or minister is sent to each country, but a consul is sent to every important city.

367. Other Duties of Consuls.—When an American dies abroad, if no member of his family is present, it is the consul's duty to take charge of his property and turn it over to the proper persons at home. If a sailor on an American vessel is wronged by anyone on the ship, he may complain to the consul, who may punish the wrong-doer or send a report of the matter to the American government, so that the guilty person may be punished when he return to the United States.

In certain badly governed countries whose courts cannot be trusted to do justice, the consul tries all cases in which an American in that country may be involved; and moreover the consul judges the case by American law. This is called extra-territoriality.

368. Lesser Duties of the Secretary of State.—The Secretary of State keeps the original records of all laws and treaties. The Declaration of Independence, just as Jefferson wrote it, the original copy of the treaty which closed the Revolutionary war and acknowledged our independence, the original copy of the Constitution, with the signatures of Washington and the rest, and hundreds of other interesting and important documents are in his office.

He also keeps the great seal of the United States and stamps it on all papers for which it is required.

SUGGESTIVE QUESTIONS

1. *Why cannot we live as a nation attending to our own affairs and never become entangled with other nations?*

2. *Give any illustration of countries at war violating the rights of neutrals.*

3. *Name any violation of the rights of neutrals that would justify the injured neutral country in going to war.*

4. *Why should the President have freer authority in foreign than in domestic affairs?*

5. *What qualities should an ambassador or minister to a foreign government possess?*

6. *Why should ambassadors or ministers be absolutely free from arrest or any restraint in the countries to which they are sent?*

7. *In view of the privileges of ambassadors and ministers mentioned in Question 6, how should they conduct themselves?*

8. *Name some way in which the consular service can be of service to South Carolina.*

9. *What qualities should consuls possess?*

10. *By what method should consuls be appointed?*

CHAPTER XLI

THE TREASURY DEPARTMENT

369. The United States Treasury Department is in charge of a cabinet officer called the Secretary of the Treasury. His duties are of the same general nature as those of any ordinary treasurer and comptroller-general combined, only larger and more difficult. He sees to the collection, safekeeping and paying out of the government's money. This is a very serious responsibility, involving about seven hundred million dollars of cash every year; but the office has been conducted with such honesty and ability that the government has never suffered any serious loss in its Treasury Department.

370. The Mint is the place in which the government makes gold, silver, nickel and copper into money. It is one of the most important branches of the Treasury Department.

371. The Bureau of Engraving and Printing is another important branch of the Treasury Department. In it the paper money and stamps are printed.

In the United States we have the following sorts of metal money: In gold the dollar (not now coined, because inconveniently small), the two dollar and a half piece, the quarter eagle (\$5), the half eagle (\$10), and the eagle (\$20). The eagle is about the size of a silver

dollar. In silver we have the dollar, the half dollar, quarter, and dime. Besides these are the "nickel" five cents and the "copper" one cent (coming commonly to be called a "penny," though that is not its proper name). The standard of value is the gold dollar, though the silver dollar is legally equal to the gold dollar in all respects.

Because large amounts of gold or silver are inconvenient to carry, the government issues gold certificates from ten dollars up and silver certificates from one dollar up. These are pieces of paper stating that there is dollar for dollar in gold in the one case or silver in the other held in the treasury to be paid to any person who may present the certificate. These are not properly speaking paper money, but amount to merely warehouse receipts giving the holder the title to the real gold or silver.

There are also the following sorts of paper money in the proper sense of the word: United States notes, commonly called "greenbacks," which were issued by the government on account of the lack of cash in its vaults during the War of Secession and are still outstanding; and bank notes, issued by the national banks and the Federal Reserve Banks described in §§ 372 and 373. Paper money has only part of its value in the treasury in the form of cash to pay it should any one desire to exchange it for metal money. When well regulated, as is that of the United States, and issued in comparatively small quantities, it is perfectly safe.

372. National Banks.—A good banking system is of great service to a country by encouraging saving, assisting business and industry, and bringing together money and the people who can use it most productively. There are (1917) over 20,000 banks chartered and operated under State laws and hence called "State banks," and about 8,000 under United States laws and hence called "National banks." Each State supervises the banks chartered by itself, as was explained regarding South Carolina in section 204a.

The national banks are under the constant supervision of an officer of the Treasury department called the Comptroller of the Currency and under the inspection of the Federal Reserve Banks, described in the next paragraph, in whose district they are situated.

373. Federal Reserve Banks.—The business and industry of the country are largely conducted on credit, the producers borrowing for the purpose of carrying on their operations and repaying the loans from the sale of their products at the end of the season. The farmer, for instance, borrows \$500 at 6 per cent. or 8 per cent. interest, with it buys fertilizer, hires labor, etc., for making a crop, which he sells for \$1000, pays the debt and has a good profit left for himself. But for the command of the \$500 through borrowing, he would have had to hire himself to some one who had or could borrow capital. And so with the merchant and manufacturer. Therefore, whoever

controls large sums of money holds the power to help or hurt to a very serious degree the business and industry of the country, which amounts to controlling the people of the country.

Formerly this power rested to a dangerous extent with powerful banks and financiers in New York vaguely known as "Wall Street." In 1913 Congress passed a law for preventing the control of the country's business by this or any other group of private citizens and for affording every form of legitimate industry the freest and safest development. The country is divided into twelve districts, in each of which there is a Federal Reserve Bank. Every national bank must be a stockholding member of the Federal Reserve Bank in its district, and many large State banks voluntarily become members to secure its advantages, as they are permitted to do on submitting to the regulations of the system.

Each Federal Reserve Bank is managed by its own board of directors and officers, but the whole system of twelve Federal Reserve Banks is under the general control of the Federal Reserve Board in Washington. This Board is composed of the Secretary of the Treasury, the Comptroller of the Currency, and five men appointed by the President of the United States for terms of ten years. The Federal Reserve Banks assist local banks in supplying money to farmers and business men in periods of special need, such as for moving crops every autumn, and also in

“panics” and “hard times.” Though it operates only through banks, the service of the Federal Reserve system is really to the whole people.

The Federal Reserve Bank for the fifth district, composed of Maryland, the two Virginias, and the two Carolinas, is in Richmond.

373a. Federal Land Banks.— Of hardly less importance is the law by which in 1916 Congress provided a system by which the farms of the country may come to be owned by the men who farm them. The country is divided into twelve districts (not the same as those for the Federal Reserve Banks, however) in each of which is a great Federal Land Bank. The one for serving the district composed of the two Carolinas, Georgia, and Florida is in Columbia. It seeks to convert tenant farmers into farm owners and otherwise aid actual farmers in buying or equipping farms by lending them money at low interest on the security of their farms. Each of the twelve Federal Land Banks has its own board of directors and officers, and the whole system is controlled by the Federal Farm Loan Board, consisting of the Secretary of the Treasury and four men appointed by the President of the United States for eight-year terms.

374. The Secretary of the Treasury and Congress.— You will recall the statement (section 359) that the President has varying degrees of authority in directing the various cabinet officers according to his own discretion or in

simply requiring them to perform their duties as laid down by law. His discretion is greatest in directing the Secretary of State; it is least in directing the Secretary of the Treasury, because Congress has gone furthest in regulating the duties of that officer. It is so important that the people be kept in close touch with the management of their money affairs that the report of the Secretary of the Treasury is sent direct to Congress, and not through the hands of the President as are the reports of other Cabinet officers.

The Secretary of the Treasury is expected to give advice and information to Congress as to how much revenue is needed, by what means it can best be raised, and by what plan the national debt ought to be managed and paid.

The Secretary of the Treasury is second in rank in the cabinet; but his work is usually the most burdensome and is in some respects the most important.

SUGGESTIVE QUESTIONS

1. *Name several great Secretaries of the Treasury and tell why they were notable.*
2. *Why is gold and silver money notched on the edges? Why are nickels and coppers not?*
3. *Examine pieces of paper money and see if you can tell to which class they belong.*
4. *How do farmers proceed to get loans from the Federal Land Bank?*
5. *Why does the country need more money in the autumn than at other seasons?*

CHAPTER XLII

OTHER CABINET OFFICERS

374. The names of the other executive departments as given in section 353 suggest their duties so plainly that not much explanation is needed.

375. **The War Department and the Navy Department** have charge of the army and navy. It is their duty to keep up with the latest improvements in weapons, powder, ships, and everything else tending to improve the fighting power of soldiers and sailors. The Secretary of War has general oversight over the military academy at West Point, where the officers of the army are educated. The Secretary of the Navy has oversight over the naval academy at Annapolis, where the officers who are to command our ships of war are trained.

376. **Assignment of Students at West Point and Annapolis.**— Each state, at national expense, may send to West Point twice as many cadets as it has members in both houses of Congress. The District of Columbia may send four and Porto Rico, Alaska and Hawaii each two. The President may appoint eighty at large and one hundred and eighty from among the enlisted men in the regular army or the National Guard.

Allotments of midshipmen to Annapolis are: each state three for each member of Congress; the President may appoint two from the District of Columbia. Also the President appoints each year fifteen for the country at large and the Secretary of Navy, twenty-five from the Navy.

377. The Secretaries During War.—In time of war the Secretary of War and the Secretary of the Navy become very important officials because of their increased responsibilities. However, they can control the movement of the army and navy only as approved by the President, as they, like all other cabinet officers, are simply his subordinates.

378. The Postoffice Department.—The Postoffice Department is directed by the Postmaster-General. He has control of the vast and varied business of the department which is so essential to the welfare of the whole people. First, there is the transmission of letters, newspapers, books, or other written and printed matter. Second, there is the parcel post service, affording the cheapest and most convenient means of sending small packages to almost any point in the civilized world. This makes possible the marketing of light farm and dairy products, etc., and the purchasing of goods at a distance with a surprising economy and convenience. Third, there is the money order business, providing a cheap and safe method of sending money from your home to almost any point

in the civilized world, especially in smaller sums than would be convenient to transmit through banks. Fourth, there are the postal savings banks, which by paying a small interest on deposits and affording absolute safety encourage small savings and so greatly increase the well-being of millions of individuals and the general prosperity of the country.

Though some other cabinet departments furnish much more occasion for political and newspaper notoriety, none touches the daily lives of the people in more various and beneficial ways. The post-office department is in effect a vast business administered not for profit, but for the greatest possible good of the people.

379. The Department of Justice.—At the head of this department is the Attorney-General. The duty of this officer is, when requested, to advise the President and the other executive officers as to the meaning of the law, and to prosecute offenders against the United States government. He is especially charged with enforcing the laws against trusts and against dishonest public officers. For these reasons he is given direction over the eighty-odd United States District Attorneys throughout the country, whom he uses as assistants in the performance of the duties mentioned in the last sentence.

380. The Department of Agriculture.—This department, of vast importance to a nation whose prosperity depends so largely upon the cultivation of the soil, has

as its main objects the improvement of farming and the preservation of our natural resources. It conducts experiments for the purpose of showing what plants grow best in different soils, what seeds and manures bring the largest crops, and so forth. Some of the most important branches of its work are the preservation of our forests; the study of harmful insects and methods for getting rid of them; and the weather bureau, by which truck farmers, fruit raisers, and sea captains are enabled to guard against frost, freezes, and storms.

381. The Department of Commerce.—The Secretary of Commerce, in charge of this department, cares for a number of interests intimately connected with the prosperity of the people. The bureau* of the census has charge of the regular ten-year census besides numerous statistics collected and published from year to year. The bureau of foreign and domestic commerce collects and publishes information for the expansion of foreign and domestic commerce. Such, e.g., are facts on the rates of wages, cost of living, and methods of business in other countries, English translations of foreign tariff laws, and knowledge likely to be of service to American exporters on trade opportunities in all parts of the world.

381a. The Department of Labor.—The growing importance of the vast proportion of our population working in mines, factories, etc., at wages for other people necessi-

* A division of any of the departments is called a "bureau."

tates this department of the national government. It has supervision of the immigration and naturalization laws. One of its most important duties is collecting information on the conditions of women and children workers with the object of their protection and improvement. It also gathers information on the causes and remedies of strikes and other labor troubles, and may offer its services in particular cases for their prevention or settlement.

381b. The Interstate Commerce Commission.—An important branch of the executive department, though not connected with the cabinet, is the Interstate Commerce Commission. It consists of seven members appointed by the President for a term of seven years. Though established in 1887, not until 1906 was it given sufficient power to accomplish the objects for which it was created. Its duties are to prevent unjustly high rates or other unfair or illegal conduct by railroads, etc., doing a transportation business between different States, or with foreign countries. Any shipper or group of shippers of freight, for instance, may complain to the Commission of unfair treatment. The Commission orders the railroad company to defend itself, and after a thorough investigation, the Commission fixes a just rate or orders whatever it considers right to be done. These orders must be obeyed, unless the railroad chooses to appeal the courts and succeeds in having the orders reversed. The duties of the Commission are thus seen to be really more judicial than

executive in character. The commission has been of great benefit to the people and has been good for the railroads also.

381c. The Federal Trade Commission, created in 1914, consists of five men appointed by the President for terms of seven years. Its duties are essentially to protect the public from oppression by the great corporations that have developed of recent years. It has full powers for collecting information respecting corporations either from their own records or from any other source, except those engaged in transportation and banking, which are supervised by other departments. On its own motion or on complaint by any citizen, it corrects unfair or illegal practices in commercial dealings; it advises such corporations as to what they may or may not do under the United States anti-trust laws; and finally it has the duty, in association with the Attorney-General, of prosecuting violators of these laws.

Like the Inter-State Commerce Commission, its powers extend only to persons engaged in inter-state or foreign trade, as commerce wholly within one State is under State control.

SUGGESTIVE QUESTIONS

1. *How are the men selected for appointment to West Point and Annapolis?*
2. *Why should the postoffice carry parcels and receive savings deposits instead of leaving these duties to express companies and banks?*

OUTLINE REVIEW OF THE EXECUTIVE DEPARTMENT OF THE NATIONAL GOVERNMENT

The President.

Undivided Executive authority (§ 332).

Its advantages (§ 333).

Term of the President (§ 334).

Qualifications (§ 335).

Method of electing President (§§ 337-340).

Apportionment of electors (§ 337).

Reason for adoption of this method of election (§ 337).

Electing the electors (§ 338).

Election of the President by the electors (§ 339).

Election of President by House of Representatives if electors fail to elect (§ 340).

Inauguration (§ 341).

Duties (§ 342).

Veto (§ 343; also § 308).

Negotiates treaties, subject to the Senate's ratification (§ 345).

Appoints numerous officers, subject to the Senate's confirmation (§ 346).

Civil service reform and the purification of politics (§ 348).

The Vice-President (§ 349).

Succeeds to the Presidency if President dies, etc.

Presides over the Senate.

Law of succession to the Presidency (§ 350).

The President's Cabinet.

The various executive departments (§ 353).

Appointment, term and salary of cabinet officers (§ 354).

The President's Cabinet — (*continued*).

Cabinet officers the advisers of the President (§ 355).
Reports of cabinet officers sent to Congress (§ 356).

Department of State.

Nature of foreign affairs (§ 358).
Presided over by the Secretary of State (§§ 358-359).
Negotiates treaties (§ 365).
Supervises the diplomatic service (§§ 363-364).
Duties of diplomatic officers (§ 360).
Supervises consuls (§ 366).
Duties of consuls (§§ 366-367).

The Treasury Department.

Presided over by the Secretary of the Treasury (§ 369).
The mint (§ 370).
Bureau of Printing and Engraving (§ 371).
Kinds of metal money; kinds of paper money (§ 371).
National banks (§ 372).
Federal Reserve Banks (§ 373).
Afford freedom and expansion of business and industry.
Aid in "panics."
Federal Land Banks (§ 373a).
For converting tenants into land owners and enabling
would-be farmers to get land.
Intimate relations of the Secretary of the Treasury with
Congress (§ 374).

Other Cabinet Officers.

The Secretary of War (§ 375).
West Point Military Academy (§ 376).
The Secretary of the Navy (§ 375).
Naval Academy at Annapolis (§ 376).
The Postoffice Department (§ 378).
Carrying ordinary mail.

Other Cabinet Officers — (*continued*).

Parcel post.

Money orders.

Postal savings banks.

The Department of Justice (§ 379).

Headed by Attorney-General, who is assisted by United States District Attorneys, eighty-odd in number.

The Department of Agriculture (§ 380).

Experiments in soils, plants, fertilizers, etc.

Publishes information for improvement of farming, fruit and stockraising, etc.

Weather bureau.

The Department of Commerce (§ 381).

Census bureau.

Statistics on foreign and domestic commerce.

Information to promote American exports.

The Department of Labor (§ 381a).

Information for welfare of laborers, especially women and children.

Enforces immigration and naturalization laws.

The Inter-State Commerce Commission (381b).

Prevents unjust practices by railroads between different States, etc.

Decisions must be obeyed unless reversed on appeal to courts.

The Federal Trade Commission (§ 381c).

To protect people from corporation wrongs.

Enforces United States anti-trust laws.

Part III.—The Judiciary Department

CHAPTER XLIII

THE UNITED STATES COURTS *

382. The Two Governments of the American System.

— Every American lives under two governments and two sets of laws — those of the State and those of the Nation. These are parts of one system; but each has its own complete and separate set of officers. We have learned of the State chief executive, called the Governor, and the national executive, called the President; of the State legislature and the national Congress. You remember that we learned that the State has also a number of Judges, who interpret and administer the law. Just so the national government has a number of Judges who hold the United States courts.

383. Duties of the United States Courts.— The United States courts try cases which could not be fairly or properly tried in State courts. When the nature of these cases is explained, you will see how necessary it is to have them tried in the United States courts. These cases fall into three classes:

First, cases which the United States courts try because

* The teacher is urged to discuss and explain this chapter to the class before requiring a recitation upon it.

of the kind of law governing the case; second, cases which they try on account of the persons involved in the case; and third, cases which they try on account of the place in which the case arises. We may say briefly that the United States courts try a case on account of the law, person or place.

384. First, Cases on Account of the Nature of the Law Governing the Case.—If anyone claims a certain right under the national Constitution, it is reasonable that the national courts should be the ones to explain the true meaning of the Constitution and say whether or not the person is right in claiming that the United States Constitution guarantees him the right he claims. Otherwise, the Constitution might be wrongly interpreted and citizens deprived of the rights which it guarantees. The same thing is true regarding laws and treaties made by the United States government. We may say, then, that the United States courts try cases in which either person in the case claims a right under the United States Constitution, laws or treaties, or in which a person is being tried for violating the laws of the United States government.

385. Second, Cases on Account of the Parties to the Case.*—If a citizen of one State should have a dispute with a citizen of another State, it would be very likely that the court of either State would be prejudiced in

* The persons on the opposite sides in a case are called the parties to the case or suit.

favor of its own citizen. For instance, a South Carolinian would fear that if he brought a case against a citizen of Ohio in an Ohio court, the court would decide unfairly in favor of the Ohio man. But the United States court does not belong to either State; it is not likely to be prejudiced in favor of either side. For this reason, the United States courts try cases between citizens of different States. For the same reason they try cases between a foreigner and a citizen of any State. States themselves sometimes have cases against each other or against citizens of other States. For instance, one State recently refused to pay an old debt to another State. In order to escape local prejudices, these cases are tried before the United States courts.*

Cases involving ambassadors, ministers or consuls of foreign countries are tried in the United States courts. Ambassadors and ministers, since they represent nations in their sovereign capacity, cannot be sued or tried in any court of the country to which they are sent. If they misbehave, their own governments are requested to deal with them. Their high sense of propriety renders this rarely necessary.

386. Third, Cases on Account of the Place in which the

* A case in which two States or a State and a foreign country are the parties cannot be tried in any United States court except the Supreme Court. A case begun by a *private individual* against a State cannot be tried in the United States courts, but a case of a State against a private individual not a citizen of that State can be.

Case Arises.— If a crime is committed on an American vessel at sea, or if a civil case is brought up on account of any act or fact which happened on an American vessel at sea, the case is tried by the United States courts, for the reason that the occurrence does not fall within the limits of any State. Only the national government can keep order or punish crime on the high seas.* The United States also exercises full control in the District of Columbia and in forts, military lands, etc.

The courts in the District of Columbia and in the territories, though under the control of Congress, are not a part of the system known as the Federal courts, or, as commonly called, United States courts.

§ 387. Criminal and Civil Cases.— Just as in the State courts (sections 206–7), so in the United States courts, there are two kinds of cases, criminal and civil. A criminal case is one in which a person is tried for violating the law; a civil case is one in which two or more persons are in dispute about their rights or duties toward each other. Examples of criminal offenses which are tried in the United States courts are distilling whisky contrary to law, smuggling goods into the United States without paying the tariff, robbing the mails, and violation

* Each nation has jurisdiction over cases arising on its own vessels upon the high seas. For all intents and purposes the vessel carrying the national flag is treated as national territory. Pirates carry the flag of no nation, and therefore have the protection of no nation. They are, in the language of the law, "the enemies of mankind," and are punished with death by the courts of any nation which arrests them.

of the national bank law by officers of national banks. The civil cases tried by United States courts are of very much the same character as those tried by the State courts.

388. Similarity of State and United States Courts.—

The method of trying cases is very much the same as in the State courts. Grand juries, petit juries, lawyers and judges in the United States courts perform the same duties as in the State courts. The administration of the law is generally more strict in United States courts, for the reason, first, that the juries very rarely know the persons concerned in the case, and so are not influenced by personal feelings toward them, as often occurs in the State courts where all of the persons concerned live in the same county; and, second, that the United States judges hold office for life and so are free from the fear of offending persons who might defeat them for re-election.

389. Grades of United States Courts.—The system of Federal courts embraces the following grades placed in regular order one above the other: First, there are the District Courts; above these are the Circuit Courts of Appeals, and above these and highest of all is the United States Supreme Court.*

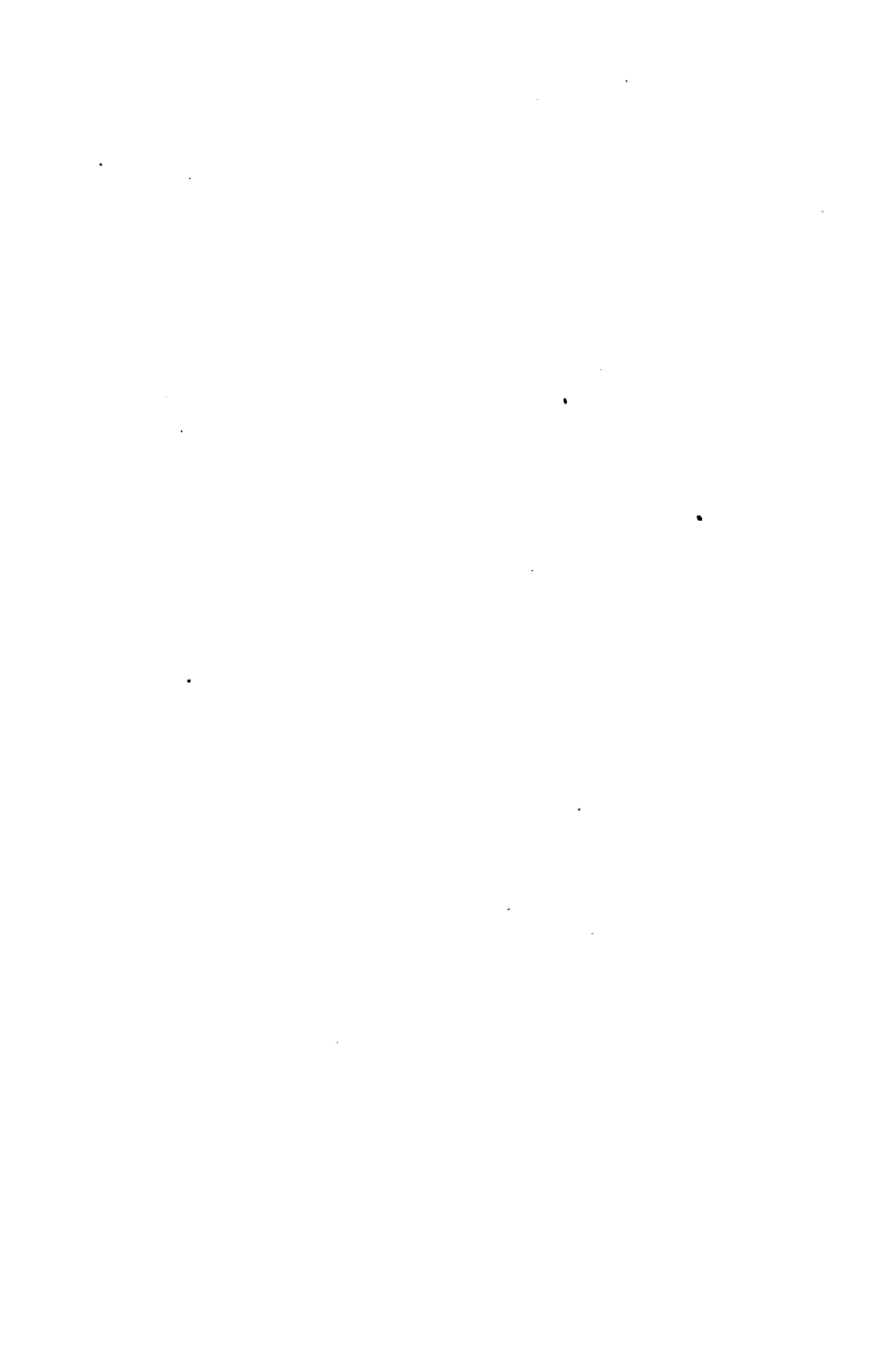
*The Court of Claims and the Court of Private Land Claims, each created for a special class of cases, do not come under this classification.

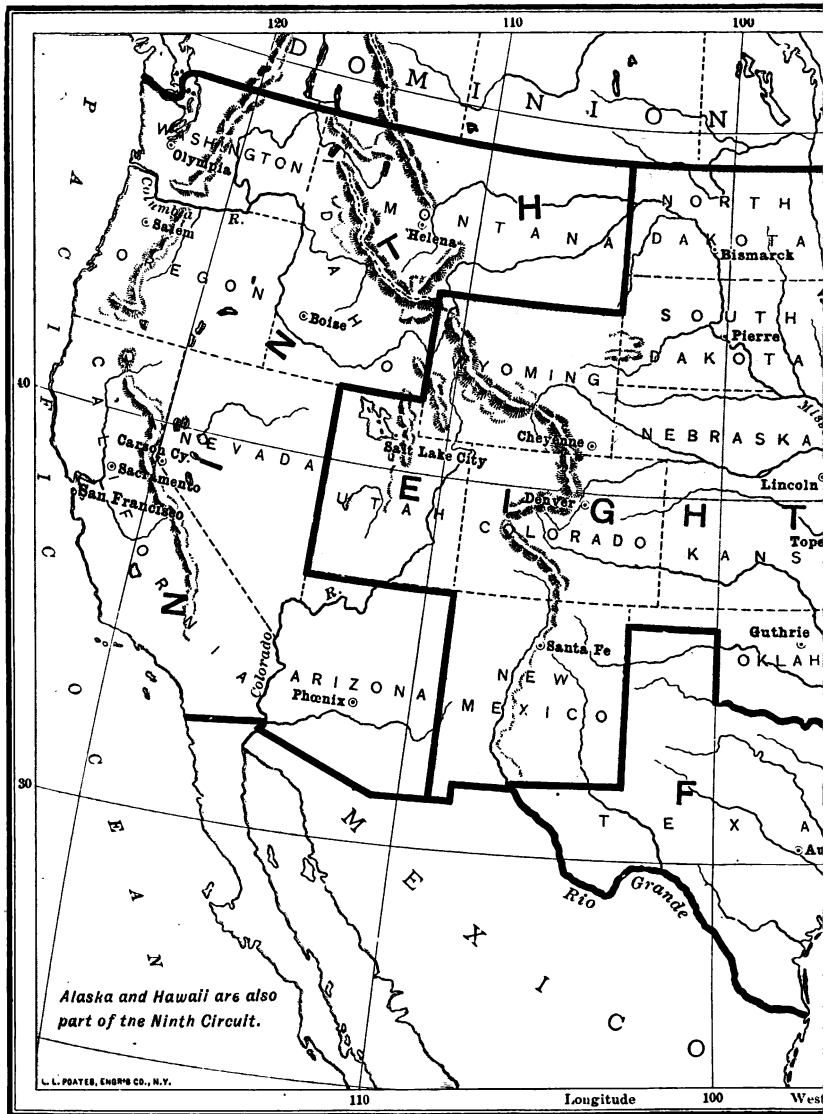
NOTE.—The United States Circuit Courts, which in one form or another had been a part of our judicial system since the founding of the government, were abolished in 1911 and their duties given to the District Courts. Much of their reason for existence was taken away by the establishment of the Circuit Courts of Appeals in 1891, which took over some of their most important duties. Their sessions were being generally held by the District Judges as the Circuit Judges were occupied much of their time in holding the Circuit Courts of Appeals. Thus their abolition serves to simplify the judicial system without the loss of any service or convenience to the people.

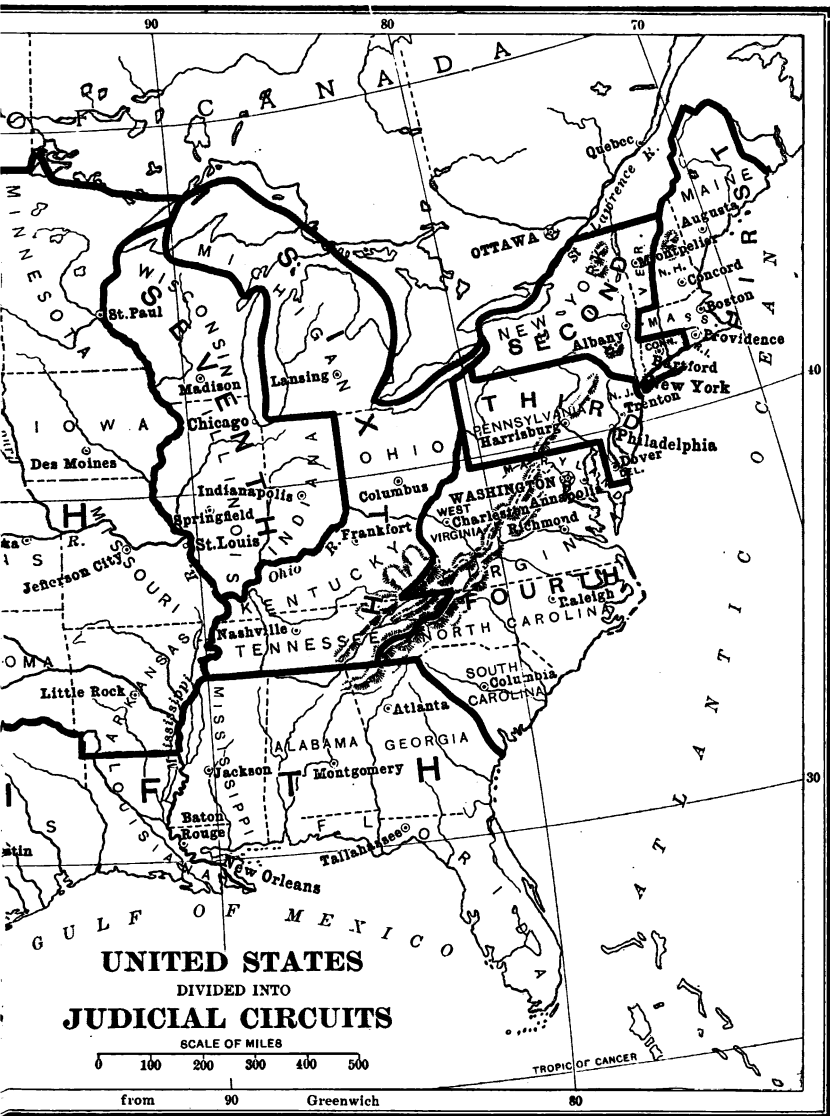
The Circuit Court stood just above the District Courts and had the right to hear appeals from them before the Circuit Courts of Appeals were established.

390. The United States District Court.—Each of the smaller or less populous States forms a judicial district, while the large and populous States are divided into two or more districts; but every district lies wholly within one State. The 48 States are divided into 80 districts (1917); Alaska, the District of Columbia, Hawaii, the Panama Canal Zone, and Porto Rico, though not strictly a part of the Federal system, form eight districts. In each district there resides a United States District Judge, who presides over the United States District Court in his district.* There is only one District Judge in each district, but, for the convenience of the people, he may hold court at several places in the same district. In the Eastern District of South Carolina, for instance, the District Court is held in Charleston, Columbia, Aiken, and Florence, and in the Western District, in Greenville, Rock Hill, Greenwood, and Anderson.

* In a few of the least populous districts, however, one Judge serves two districts.







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391. Jurisdiction of the District Court.—Any case, either civil or criminal, to which the power of the United States Courts extends, may be tried in the District Court, except the following: Cases against a State, which can be tried only in the Supreme Court; and cases under the interstate commerce law, which are tried before the Commerce Court.* That is to say, in a general way, the District Court is the principal court of original jurisdiction (i. e. for the first trial of cases) which transacts the great bulk of the business in the national system, as the State Circuit Court does in the State system.

392. The Circuit Court of Appeals.—The 80-odd districts are grouped into nine circuits, each composed of a number of States. (See map opposite page 323.) Maryland, the two Virginias and the two Carolinas, e. g., form the Fourth Circuit. At one place in each Circuit (as e. g. Richmond in the Fourth) there sits the Circuit Court of Appeals, whose duty it is to hear appeals from the District Courts by persons who feel that they have undeservedly lost their cases. This is not a court for the trial of facts, but for judging of errors in law. It therefore has no jury, but only a group of judges. It is ordinarily held by two or three Circuit Judges, of whom

* The law and Constitution provide that cases against an ambassador or other foreign minister, his family or servants, can be tried only in the Supreme Court; but as international practice does not allow such trials at all, the author deems it unnecessary to make a difficult subject any more so by introducing this into the text. See last paragraph of section 385.

there are from two to four in each Circuit, though a District or Supreme Court Judge sometimes sits with them.*

The questions which a court of this nature is called upon to decide are of two kinds: first, did the judge or other officer of the lower court deny some legal right or decide some point of law unjustly to the party making the appeal; and second, is the law against which the party appealing contends itself null and void because contrary to the Constitution? If the Court of Appeals finds that the first was the case, it orders the lower court to hold a new trial in which the same mistake shall not be allowed to occur again; if the second is found to be the case, that at once settles the whole matter without any further trial in favor of the party who contends against that law.†

A few classes of cases are of such importance that they may be appealed directly from the District Court to the Supreme Court.

393. The Supreme Court.—If the case has been decided the same way in both the courts so far, it is not likely that this decision will be reversed by the Supreme Court. And yet either side, if the case is of sufficient importance, can appeal to the United States Supreme

* The 5th, 8th and 9th Circuits cover such immense territory that, for the convenience of their inhabitants, the Circuit Court of Appeals meets at several places.

† It is of course understood that an appeal can still be carried from the Circuit Court of Appeals to the Supreme Court. The next paragraph will make that plain.

Court. The Supreme Court may confirm or reverse the decision of the court below. Its decision is final; after being decided in the Supreme Court, a case cannot be tried anywhere else.

394. The Court of Claims and the Court of Private Land Claims, though agencies of the national government, are not part of the system of federal courts. "Federal" refers to the fact that our nation is made up of a federation, or association, of States, and hence in the strict sense applies only to courts, etc., that involve in some way questions connected with the relations between these equal partners, the States.

The Court of Claims hears cases of persons who claim that the government owes them money or other valuable object. The Judge hears all the evidence and renders his opinion for or against the claim. The person must then apply to Congress for the passing of an act paying him what the court has declared to be due. A favorable decision from the Court does not secure the money for the claimant, nor does an unfavorable decision prevent his pressing his claim before Congress. The opinion of the court and the evidence that it collects simply enable Congress to act on the hundreds of claims brought before it with greater promptness and justice.

The Court of Private Land Claims serves a similar purpose in the case of persons interested in certain disputed claims connected with the public lands.

395. Appointment of Judges.—All United States judges are appointed by the President and hold their positions for life, unless they resign or are convicted upon impeachment. Only two have been displaced by impeachment. This method of appointment and tenure has secured excellent judges, for the reason that it has made the President very careful in his selections and has made the judges independent of fear, favor or politics in doing their duty.

396. United States District Attorney.—This officer performs the same duties in the United States Courts that the Solicitor does in the State courts (section 214).

He attends the District and Circuit Courts and conducts the trials against all persons who are accused of violating the laws of the United States. It is his duty to see that all the facts proving the guilt of the person being tried are brought out. He questions the witnesses and makes a speech to the jury trying to prove the guilt of the prisoner. The District Attorney is appointed by the President for a term of four years.

397. United States Marshal.—There is a United States Marshal in each district who performs the same duties in the United States courts that the Sheriff does in the State courts (sections 56-59). He is appointed by the President for four years.

SUGGESTIVE QUESTIONS

1. *Imagine a case which would come before the United States courts because two States were involved.*
2. *Imagine a case coming before the United States courts because of an occurrence on the high seas.*
3. *Who is the United States District Judge for this District? Where does he live?*
4. *Report on the impeachment of judges in Jefferson's administration.*

CHAPTER XLIV

THE UNITED STATES SUPREME COURT

398. The United States Supreme Court.—At the head of our judicial system stands the United States Supreme Court. It is the most influential and distinguished court in the history of the world. This is partly due to its importance as the highest court of a great country, partly to its extraordinary powers, and partly to the learning and character of the judges who have composed it.

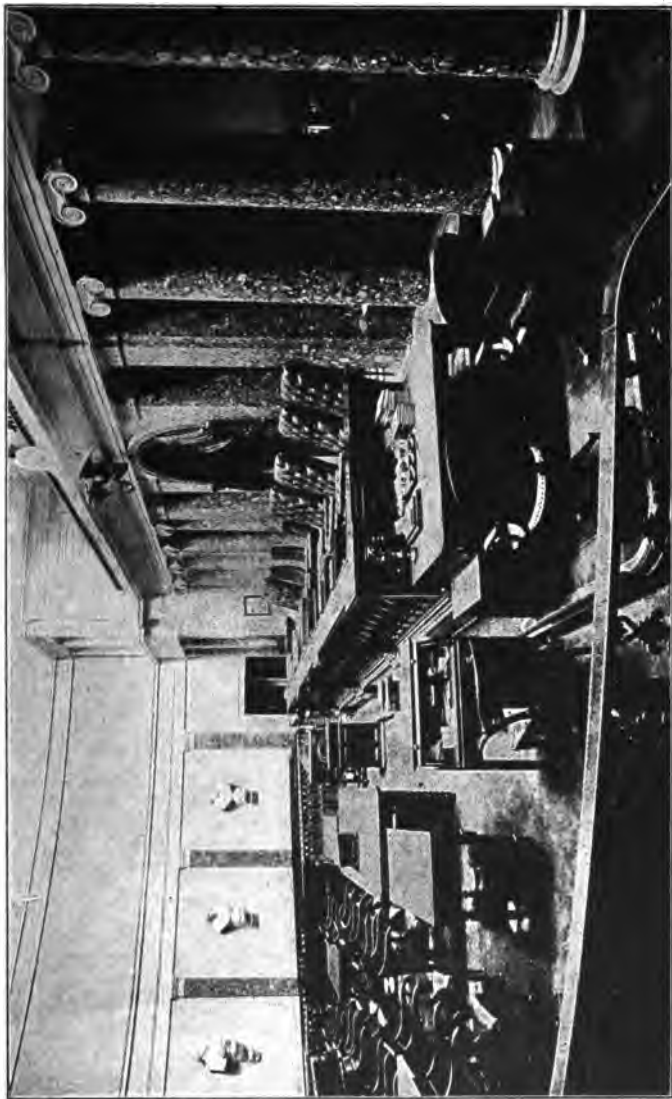
399. Membership and Appointment.—The Supreme Court consists of nine judges, appointed by the President. They hold office for life, unless they resign or are removed by impeachment. Congress has never tried but once to impeach a judge of the Supreme Court, and that impeachment failed.

400. Duties.—In general, the United States Supreme Court has duties like those of the State Supreme Courts,

though of greater scope and importance. It is a court to correct errors which the lower courts have committed in interpreting the law. Except in a few cases which we will not consider, this is its only duty. It is the highest court for explaining the true meaning of the Constitution and the laws.

401. Appeals from State Supreme Courts.—The Constitution of the United States declares that it and the laws of Congress and treaties made under it shall be the supreme law of the land in any State, no matter what the laws or Constitution of any State may say. For instance, the United States Constitution forbids any State to pass any law permitting people to break their contracts. Therefore, if any State should pass a law that a man who had promised to pay money to another man might pay him diamonds or horses or land, or anything except money, it would be in violation of the Constitution of the United States. Even though the Supreme Court of the State had tried and decided a case under this law, it could be appealed to the United States Supreme Court and tried again there.* If the State

* A case can be carried by appeal from a State Supreme Court to the United States Supreme Court on account of the United States Constitution, treaties or laws, being involved only when the State Supreme Court *denies* some right claimed by either party under the United States Constitution, treaties or laws. Even when the United States Constitution, treaties or laws are involved, the United States Supreme Court will not review the decision of the State Supreme Court if that Court has decided in favor of every



UNITED STATES SUPREME COURT ROOM



Supreme Court had decided correctly, the United States Supreme Court would confirm its decision and it would stand as the correct interpretation of the law. But if the United States Supreme Court should consider the State Supreme Court wrong, it would reverse that court's decision.

The United States Supreme Court would decide that the law allowing payment to be made in something else than what was promised violated the United States Constitution, and was, therefore, of no force and not to be obeyed. If an act of Congress or anything in a State Constitution should be contrary to the United States Constitution, the United States Supreme Court would declare it no law in any case which came before it under that law. In this way, the United States Constitution and laws are obeyed and are given the same meaning all over the country. You should study again here carefully section 392.

right claimed under the United States Constitution, treaties and laws. The object of granting the appeal to the United States Supreme Court is to insure the supremacy of the national Constitution, laws and treaties; but if this is already granted by the State Supreme Court the intervention of the United States Supreme Court for this purpose becomes unnecessary. It is conceivable, though not probable, that injustice might arise from this limitation of the right of appeal to the national Supreme Court; for a State Supreme Court might grant rights claimed as against a State law or Constitution under the United States Constitution which the national Supreme Court might decide that the national Constitution did not grant.

402. Respect for the Supreme Court.—The decisions of the United States Supreme Court have been marked by such wisdom and justice that they are very much respected by the people and by the officers of the government. The Court's interpretation of the Constitution has been one of the strongest influences in building the United States into a great nation.

OUTLINE REVIEW OF THE JUDICIAL DEPARTMENT OF THE NATIONAL GOVERNMENT

Jurisdiction of the United States Courts.

First, cases on account of the law involved (§ 384):

United States Constitution.

Treaties.

Laws of Congress.

Second, cases on account of the person involved (§ 385):

Cases between citizens of different States.

Cases between a foreigner and a citizen of a State.

Cases between States.

Cases begun by a State against a foreigner or a citizen of another State.

Cases involving a foreign minister, ambassador or consul.

Third, cases on account of the place involved (§ 386):

Cases arising on the high seas.

Cases in Dist. of Columbia, forts, etc., of U. S. Government.

Methods of trial similar to those of State Courts (§ 388).

Grades of United States Courts (§ 389).

United States District Court (§§ 390 and 391).

One District Judge in each district.

Grades of United States Courts— (continued).

U. S. Dist. Court — (continued).

Has general original jurisdiction, civil and criminal (§ 391).

United States Circuit Court of Appeals (§ 392).

Held by three (or two) Circuit Judges (or sometimes a Supreme Court or District Judge also).

Hears appeals (few exceptions) from District courts.

United States Supreme Court (§ 393).

Nine Judges.

Hears appeals from Circuit Court of Appeals and in a few classes of cases from the District Court.

Appointment of Judges, Etc.

All United States Judges appointed by President, subject to confirmation by the Senate (§ 395).

Serve for life unless they resign or are impeached.

A United States District Attorney (a prosecuting officer) and a United States Marshal (like a Sheriff) in each district.

Appointed by President, subject to confirmation by Senate, for four years (§§ 396-397).

The United States Supreme Court.

Corrects errors in law committed by lower U. S. courts (§ 400).

Hears appeals from State Supreme Courts in cases in which a right claimed under United States Constitution, treaties or laws has been denied (§ 401).

Its great influence on American history (§ 402).

CHAPTER XLV

TERRITORIES AND COLONIES

403. States and Territorial Possessions.— The admission of Arizona and New Mexico rounded out the vast bulk which we occupy in the center of North America into a sisterhood of forty-eight States continuous and undivided in area, and closed an era in the history of the United States. Previously this great region had consisted of two parts: the States, which were members of the Union, and the territories, which were not members and had no part in its government. The only dependent regions now left are Alaska and the islands, all lying remote from the body of the country.

404. Difference between a State and a Territory.— A State has a great many rights reserved to it by the Constitution. Its own government and the business and ordinary affairs of its people are almost completely under its own control. The United States government cannot interfere with a State in any of these matters. Moreover, the original thirteen States by their own voluntary act created the Union and formed the Constitution.

A territory, on the other hand, has no constitutional rights of its own. Congress has the power to give it such form of government as it thinks proper.* More-

*The inhabitants of a territory are probably protected as individuals against certain oppressive acts by certain clauses of the

over, the territories had no part in creating the Union or forming the Constitution.

405. Origin of Territories.—When we seceded from England, a number of the States extended westward to the Mississippi River. The portions west of the Appalachian mountains were wild, unsettled country. With patriotic regard for the general good, the different States holding this territory gave it to the United States government. In 1803, we bought the vast Louisiana purchase from France. This, of course, was not a State, but only "territory." And so on, through the whole list of possessions that we have at various times acquired.

406. Power of Congress over Territories.*—The Constitution says that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Slavery is absolutely forbidden in any place belonging to our government. Furthermore, the Constitution forbids Congress to take a man's life, liberty or

Constitution forbidding Congress to do certain things; but the territories as such have no guaranteed rights. See footnote following.

* This very difficult question was discussed and some of its points decided by the United States Supreme Court in a series of cases known as the "insular cases," in 1900 and 1901. They are *De Lima v. Bidwell*, 182 U. S., 1; *Downes v. Bidwell*, 182 U. S., 244; *Fourteen Diamond Rings v. U. S.*, 183 U. S., 176. Some important points are, however, still left obscure. The author will willingly cite any person to the authority for any statement in any portion of this text-book.

property without legal trial, to interfere with the freedom of speech or religious belief, to deprive a person of any right because of his race or color, and so forth. Congress is likely never to want to do any of these things, and could not, if it chose, do them in the States; but whether it could do them in the territories is still a matter of discussion which the Supreme Court has never had occasion fully to decide. But since Congress is free to regulate their governments in any way in which it is ever likely to desire, we may say that its power over the territories is practically unlimited.

407. Territorial Government.—Territorial government is of two kinds: self-governing and not self-governing.

Territories which are self-governing are usually called organized territories, and those which are not self-governing are called unorganized.

408. Unorganized Territories.—We no longer hold any unorganized territories, as our domain has all passed through sufficient training to fit its inhabitants for at least partial self-government or in most cases for complete management of their own affairs. That form of government will be explained, however, on account of its historical interest. The President appointed the Governor, judges, and other officials, and the Governor and judges framed the laws. Towns and cities in their bounds conducted their local self-government in much the same manner as in a State. Even the unorganized terri-

tory had a delegate in Congress elected by the people to represent their interests in Congress, but without power to vote, as described in the next section.

409. Organized Territories.—An organized territory has a government very similar to that of a State. The President appoints the Governor and the Judges. All the officers and the members of both houses of the territorial Legislature are elected just as in a State.

The territorial Legislature passes laws to govern the people of the territory and the Governor has the veto power, as in a State. But Congress also can change or veto any of these laws. The Governor must also make a report every year to the President. The people of the territory elect a delegate to sit in the House of Representatives in Washington, D. C. He may speak on any matter appertaining to the territory, so that Congress may understand the needs of the territory and not pass harmful or offensive laws; but he has no vote. Alaska and Hawaii are our only "fully organized" self-governing "territories."

410. Admission.—It has been the custom, after a territory has been trained for some years in self-government, and has a considerable population, to admit it by act of Congress into the Union as a State. It then has all the rights of the original States, as fully as if it had been a State from the foundation of the government.

411. The Future of Our Outlying Possessions.—Now

that the whole area known as the "continental" United States forms one compact sisterhood of commonwealths, the question arises, Shall the outlying possessions of Alaska, Hawaii, Porto Rico and the Philippine Islands be finally admitted as members of the Union, or shall they be kept permanently under a just form of self-government without taking part in the Federal system? This is to be decided on practical as well as theoretical grounds and would be an interesting subject on which to try your powers of debate.

412. **The Central Government of the Philippine Islands** since 1916 consists of a Governor-General and certain cabinet officers appointed by the President and an elected legislature of two houses. The Senate consists of twenty-four members, twenty being elected for six years from eleven districts, and two appointed by the Governor-General to represent the wild tribes. The House of Representatives consists of ninety members, eighty-one being elected from eighty-one election districts and nine being appointed by the Governor-General to represent the wild, or uncivilized, tribes. The Governor-General may veto any act of the legislature. If his veto is overbidden by a two-thirds majority, the act goes to the President of the United States, whose decision is final. Congress may itself also veto an act of the Philippine legislature; but this would be very unusual.

The Governor-General has a "Council of State,"

which corresponds to the President's cabinet. But in addition to the heads of the various departments, the President of the Philippine Senate and the Speaker of the House of Representatives are members, thus affording a helpful contact and coöperation between the legislative and executive branches of the government.

The constitution given the Islands by Congress in 1916 much increased the powers of the Philippine legislature and also increased by about four times the number of persons possessing the suffrage. All have the right to vote who meet a moderate property qualification. The legislature elects two commissioners who represent Philippine interests in Congress in Washington, but have no right to vote. In both central and local government natives are employed to as large an extent as is considered consistent with good government. Many beneficial laws have been passed, and in general the government of the islands has been very successful.

413. Local Government in the Philippine Islands.—

The islands are divided into forty provinces, each having a native Governor elected by the people of the province. Taxation and some other powers are exercised by a council composed of the Governor and the chief executive officers of the province, who are appointed by the central government of the islands.

Cities and other local divisions are governed by elected officials. Provincial and all other local officers may be

removed by the central government at its own discretion.

414. **Porto Rico** has a government like that of an organized, self-governing territory, except that the upper house is appointed by the President. The attempt of the lower house to compel the Governor and upper house to consent to certain laws by refusing to pass any tax bill until their demands were granted led to a new principle in our government of that island. If the legislature does not pass any act for collecting taxes and paying the expenses of government, the law of the previous year shall remain in force. The Porto Ricans were overcome, but they are much dissatisfied.

The Panama Canal Zone is under a Governor appointed by the President. It has no legislature, Congress making such laws as are needed.

It is interesting to compare our colonial system with that of other countries. When Congress passed the Ordinance of 1787 for the government of the Northwest Territory, out of which the five great States of Wisconsin, Michigan, Illinois, Indiana, and Ohio have been made, it naturally gave it the form with which Americans had been familiar as British colonists. Our territorial system has always been conducted as a preparation for complete statehood. The situation of our new possessions will doubtless make statehood inconvenient and inadvisable; but they will certainly be administered with a

liberality worthy of our great land of freedom, and with the fullest possible degree of self-government.

England learned the folly of illiberal treatment of her colonies by the loss of America, and now governs her Empire in such a way that it is virtually a sisterhood of free states. The only feature of our system of government, national, State, local, or colonial, which is not derived from English or American experience is the provision referred to above for raising revenue in Porto Rico in case of the disagreement of the two houses. This idea originated with Bismark in his contest with the Prussian House of Representatives, and was copied by Japan when she adopted constitutional government. We took it practically in the form in which it had been adopted in Japan.

SUGGESTIVE QUESTIONS

1. *Why should the people of a territory wish to become a State?*
2. *Is there any difference in the privileges of one of the thirteen original States and one that has been admitted afterwards from a territorial condition?*
3. *Is there any difference in State and national patriotism between the two groups of States mentioned in Question 2?*
4. *Why should the Philippine Islands desire complete independence?*
5. *Why should they, and on what terms, desire to remain a part of "The American Empire"?*
6. *What do you think of the peculiar financial feature of the government of Porto Rico?*
7. *Justify the denial of self-government to the Panama Canal Zone.*

CHAPTER XLVI

NATIONAL POLITICS

415. In Chapter XXXI we learned something of elections and politics in South Carolina. We will now glance at the same subject as it concerns the whole nation.

416. **Political Parties.**— There have always been in the United States two great political parties, divided from each other on certain ideas and principles of government.

417. **The Dividing Principle.**— This division has been mainly on account of one great principle of government on which the opinions of the people of the country have differed.

Sometimes the parties forget this great principle; sometimes smaller parties become prominent because of some special or temporary cause, as, for instance, the Populists or the Prohibitionists. Frequently the two great parties have been occupied with some special object which for the time obscures their fundamental difference. But this underlying difference of principle always reasserts itself and shapes the character of the two great parties. This great dividing principle is: whether our government at Washington shall be a strong, centralized national government, exercising all the power possible under the Constitution and tending to perform more and more duties for the people; or whether this tendency to centralization of power in the national government in Washington shall

be resisted. The Federalist (1790-1816), National Republican (1824-1832), Whig (1832-1854) and Republican (since 1854) parties have, one after the other, stood for large powers in the national government. The Democratic party, which has existed since 1790, has resisted the tendency to increase those powers.

418. A Further Difference.—There is another difference which has generally marked the two parties. The Federalists, National Republicans, Whigs and Republicans have usually been strongly under the influence of the classes whom circumstances or the laws have specially favored —“the rich, well born and able,” as one of their number put it a century ago. The Democrats (except where strong local or temporary causes pulled them the other way) have been more the party of the masses of the people.

419. Party Organization.—Each party has an organization extending all over the country. In the Southern States the organization of the Republican party is weak and little noticed; but in other parts of the country each party has its party officers and clubs actively at work in every village, township and city.

420. The Club.—The lowest, but most important, part of the party organization is the Democratic or Republican “club.”

A club is composed of a number of men of the same party in a town or country neighborhood. An ordinary

average club would contain two or three hundred members.

421. The County Convention.— Each club elects a number of representatives, according to its membership,* to go to the County Convention of the party. The County Democratic Convention, for instance, elects a certain number of men, according to the population of the county, to go to the State Democratic Convention. In States where “primary elections” do not exist, the County Convention also nominates the party candidates for the different county offices.

If a man or group of men can control the clubs, they can have delegates sent to the County Convention who will nominate the candidates they want. Most Democrats or Republicans will vote for whomever the party convention nominates. This makes the club of extreme importance. The clubs are the foundation stones on which the party organization rests.

422. The State Convention.— The Democratic State Convention, or the Republican State Convention, as the case may be, attracts a great deal more attention than the County Conventions; but the County Conventions are really more important, because they elect the members of the State Convention. In that way, whoever controls the County Conventions controls the State Convention.

* Or sometimes according to the population of the ward, township or precinct.

This gives great power to the professional politician, and may enable him, by having an influential friend in each county, to run the party very much as he pleases. To decrease this power, we in South Carolina have taken away from the conventions their most important power — the nominating of the party candidates — and have given it to the people of the party voting in a primary election. (See sections 253 and 254.) This is easily arranged in most of the Southern States, as almost all the voters taking an active part in politics belong to one party; but the plan of nominating by primary elections similar to ours is beginning to be introduced in a few Northern and Western States, in spite of its difficulties where there are two active parties.

The State Convention adopts a platform * (see section 424), appoints an Executive Committee to see after the interests of the party until the next convention meets (which is not until the next campaign year), attends to any other necessary business, and adjourns.

423. The National Convention.— Once every four years each party holds a National Convention, to nominate its candidate for President and Vice-President of the United States and to adopt a set of principles called a platform. The delegates to the National Convention are elected by

* Practically always does so in years in which there is a Presidential election; not always in years in which there are only State and Congressional elections.

the State Conventions of that party. Each State Convention elects twice as many delegates as the State has members of both houses of Congress.

In a number of States the law requires delegates to a national political convention to be elected in a primary by the voters of that party. This is a feature of the strong movement of the past few years for securing to the people a more real control over the government.

424. Meeting of the National Convention.—The National Convention is held in some large city in the early summer of the year of a Presidential election. The Fourth of July is frequently selected. It is a great event and numbers of cities make great efforts to be selected by the Committee having this in charge. A great building, holding ten or fifteen thousand people, is erected for the meeting. The delegates (about eight hundred in number) sit in the front of the hall, and around and behind them spreads the vast audience of outsiders, some of whom have paid thirty or forty dollars for tickets of admission.

425. Forming the Platform.—The National Convention has three great duties: forming the platform, nominating the candidate for President, and appointing an Executive Committee to carry on the campaign. It also nominates a candidate for Vice-President, and sometimes passes resolutions of interest. But these are slight compared with the three other duties. The platform is formed first. It is a statement of what the party believes in and promises to do if its candidates are elected. It

is written so as to get up the most enthusiasm and catch the most votes.

426. Nominating.— Then comes naming the party's candidate for the greatest public office in the world. Excitement becomes intense. Brass bands are playing, crowds shouting, parades marching and leaders planning for their favorites all over the city. Telegrams are flying over the wires to every State in the Union, and beyond to every country of the world. Inside the convention hall, speeches are being made in favor of different candidates, answered by such applause and uproar from the thousands of hearers as sounds like the roaring of Niagara.

At last the voting begins. The names of the States are called in alphabetical order. As a State is called, the leader of its delegates rises and announces how they vote — sometimes for different candidates, but usually all from one State for one candidate. Rarely does any candidate receive the necessary majority on the first ballot, and so the convention has to vote again.* Sometimes they vote and re-vote for one or two days before anyone can get the required number. But at last someone is chosen; and, if he is a favorite with the country, such a shout is sent up by the thousands present that the booming of the cannon outside cannot be heard in the building.

* The Democratic convention requires a two-thirds majority to nominate; the Republican, only a majority.

The telegraph wires flash the news around the world and to every village and city in the nation.

427. The Campaign.—The campaign is begun. The excitement and rejoicing of the conventions are taken up in parades and orations all over the country. For four months every means possible is used by each party to persuade the voters to vote for their candidate. As members of Congress and State Legislatures are being elected at the same time, the campaign and election are of great importance.

428. The Election.—At last election day arrives—the Tuesday after the first Monday of November. The people declare their will at the ballot box, and the defeated party quietly accepts the result.

CHAPTER XLVII

RELATIONS OF THE STATE GOVERNMENT TO EACH OTHER AND TO THE NATIONAL GOVERNMENT

429. One System.—The State and national governments taken together form one system. They are not rivals or enemies; they are both controlled by the people and serve the interests of the people, each in its own sphere.

430. Federal Government.—The plan of uniting a number of States into one country, in which each State still continues to control its own internal affairs, is called

Federal government. It is the best form of government ever devised for a large country; because it has great strength in managing all matters of common concern, and at the same time allows the people of the different sections of the country to manage their State affairs in the way best suited to their own circumstances. The advantage of this will be understood if we think for a moment of what different laws are needed in different States. In Nevada the people must have a set of rules governing mining; but no such rules are needed in Delaware. In many Southern and Western States special stock and game laws are needed; but not in Connecticut or Rhode Island. A manufacturing State, full of large cities, requires many special regulations which its own people understand better than outsiders. Similarly the different habits and customs of different sections make it very necessary to have different regulations on some matters.

431. Similarity of State Institutions.— But the differences between State laws, customs and institutions are not so important as their resemblances. The States tend to imitate each other in any respect in which one has been successful. In this way, each State gets the benefit of the experience of others and has a better system of government than it would have worked out by itself.

A successful law or a good code is frequently adopted almost word for word by many other States.*

* Let pupils ask lawyers for some instances of this.

432. Relations of the States to Each Other.—The most important points in which the governments of different States touch each other are the following: Citizenship; extradition; agreements; interstate commerce.

433. Citizenship.—The Constitution of the United States provides that citizenship depends upon national, and not State, law. Every person born or naturalized in the United States is a citizen of the United States and also a citizen of the State in which he resides. A State can require that a man coming from another State must live within its bounds for a reasonable time (two years in South Carolina) before being allowed to vote; but it cannot deny him the rights of citizenship, such as buying and selling property, protection of the law, and the right to do anything any other citizen may do. (See sections 294–8.)

434. Voting and Citizenship.—Voting is not a right of citizenship, but is a privilege, enjoyed usually by the male citizens twenty-one years of age. In eleven States and one territory * women have the same right of voting as men. In more than half the States women can vote in some elections, usually in school districts. Yet women and children are full citizens. In several States men who neither own property nor are able to read are not allowed

* Their names with dates of adopting equal suffrage will be found in the note to section 261.

to vote; but they are citizens and enjoy the rights and protection of citizens.

435. Extradition.— This means securing upon demand a person who is charged with crime and has escaped into another State. The United States Constitution requires that any State must deliver to the officers of any other State any person who has fled from that State to avoid being tried and punished for a crime. As a State government has no power outside its own bounds, some of the most desperate criminals would be secure against capture unless the United States Constitution gave the right to demand their surrender by the government of any State into which they flee. The Governor of the State from which the criminal has fled addresses the requisition to the Governor of the State to which the criminal has fled.

436. Agreement between States.— The United States Constitution forbids the States to form any treaty or alliance among themselves, as this would break the country up into hostile sections. But this does not prevent States from agreeing to settle any dispute between themselves without taking it to the Supreme Court. South Carolina has several times appointed commissioners to meet commissioners to settle her boundary line with North Carolina and also with Georgia.

437. Interstate Commerce.— No State can interfere with trade or commerce between her own citizens and

persons outside the State. This, together with the law of the United States Constitution that citizens of each State shall have all the protection and rights in any other State that its own citizens enjoy, unites the whole country very closely.

438. Relations of the State and National Governments.

— It might seem that with two governments each exercising such powers, the States and nation might not get on well together. And yet they do. They hardly ever clash, and when they do, a settlement is easily made. They work so smoothly for two reasons: First, since they are parts of one system, each with its duties assigned, it is usually easy to tell to which any particular business belongs. And second, whenever there is a clash, the decision of the United States Supreme Court is recognized and obeyed.

439. Growth of Nationality.— The State and national governments have not always worked together so smoothly. For many years the States occasionally resisted the national government. The secession of the eleven Confederate States in 1860–1861 was only the last and greatest attempt of States to enforce their opinions against those of the national government. Long experience has shown that it is best to allow the national government, acting in the last resort through the Supreme Court, to decide all disputes between it and any State. The people all over the country have come to respect the

national government, to trust it as their own government, and to regard themselves as one great, united nation.

440. An Indestructible Union of Indestructible States.

— The nation and the States are both necessary to each other. Although by many people this was not understood at first, it is now universally acknowledged. The nation is strong and great because it is supported by States that are free and vigorous; and the States can remain free and vigorous because they are protected by a nation that is strong and great.

CHAPTER XLVIII

NON-GOVERNMENTAL ORGANIZATIONS FOR THE GENERAL WELFARE

441. Distinction between the State and other Organizations.— The state, i.e. the people organized for the purposes of government,* is the most extensive and powerful organization in human society; but there are other forms in which human beings group themselves for accomplishing various purposes for the public good. The distinctive characteristics of the state, or government, are that it includes everybody, is not voluntary in membership, and compels obedience to its will. These non-governmental organizations for various purposes of general

* The word state is used in this general sense as well as in the sense of one of the United States.

welfare, uplift, or progress on the other hand include only those who voluntarily associate themselves and seek to accomplish their ends by instructing, inspiring, and elevating the individual, stirring public opinion, or bringing it to bear upon officials.

The study of these various associations, their organization, aims, and methods, constitutes the science known as sociology. We can here take only a sufficient view to catch their bearing on the great problem of large numbers of people living in coöperation in the thousand relationships of our complex modern life.

442. Man a Political Animal.—When Aristotle said, “man is a political animal,” he meant it not in the narrow sense of running for office or voting for candidates, but in the far wider significance that men by their very nature must live in touch with their kind and accomplish the aims of civilized life by association. As this same profound thinker put it, he who does not require the association of his fellows is more or less than human; he is either a god or a brute. We know that a person who cannot coöperate and harmoniously fill his place and do his part in the social, economic, religious, political, or educational tasks of his community is not a god; he is simply not as far advanced as his neighbors from the brutishness of primitive barbarism. Such a man or woman, boy or girl, needs to learn the lesson that their individual freedom, strength, and happiness cannot reach

their best development without the proper coöperation with others in forgetfulness of what belongs to him or her alone.

443. Classes of Organizations.— The thousand forms of human needs and of human activity to satisfy them can be classed under one of these six groups: Health, wealth, sociability, knowledge, beauty, righteousness.* We organize gymnasiums, medical colleges, and sanitary commissions directly for the preservation of our health. We plow the ground or build a bank, a railroad, or a factory to obtain the bread, the clothes, or some other of the manifold forms of wealth that our natures demand. We form reading circles, music clubs, colleges, and newspapers to satisfy our love for the society of our friends, knowledge, and beauty. We take our place in the wide-reaching organization of the church as a means of expressing and attaining the highest aspirations of our natures, the yearning for God and righteousness.

444. The Same Organs Serve Varied Purposes.— Some of these organizations or social organs, as we might call them, as though they were parts of a living being as are the organs of the human body, serve needs falling under several of the six classes. For instance, the church serves not only its primary object, but promotes the community's health by suppressing bad habits, its wealth by making

* Small and Vincent, *Introduction to the Study of Society*, 175.

men better workmen, its sociability by supplying us with friends and many agreeable associations, its knowledge by the information conveyed in sermons and Sunday School, its love of beauty by its inspiring music, its pictured windows, and its noble architecture.

The state also, which is simply the vastest of the organs of our whole society, by its various activities serves in greater or less degree all classes of human needs.

445. The Family.— So the family, the fundamental and most important of all forms of human organization, is the great preserver and teacher of all that is best in human existence and touches our lives on every side of their activities. The family is the origin of all government, as it continues to be the foundation of all good government.

446. The Binding Rods of Society.— You will be surprised on counting up the various forms of association to see how they are interlocked by the common membership of many individuals. The same man, e.g., is a wealthy landowner, an officer in a workingmen's church, a member of a Masonic lodge including men from the highest and lowest social walks, a leader in the Democratic party, a graduate of a State college, and trustee of a negro hospital. Such men are like the steel rods running through reënforced concrete. It is impossible to rend asunder a structure that has many such bonds criss-crossing in every direction through its different parts. On the other

hand, a society is in peril which has come to be organized into groups widely separated from each other in membership and sympathies, as was France before the Revolution.

447. Typical Social Organs.— Among the many spontaneous groupings of people in a free society for common service are the Young Men's Christian Association, Young Women's Christian Association, the Boy Scouts and the Camp Fire Girls, which like numerous others, extend throughout the nation and many foreign countries with their bonds of sympathy, understanding and union, teachers' associations for the county, State, or nation, the Chamber of Commerce or the associated charities of a city, the Southern Cotton Association and the Southern Sociological Congress covering many States, and the State Bar Association for the maintenance of high standards of professional preparation and conduct.

448. Fitting into our Places.— Just as a horse can do nothing to draw the load unless he has his place in the harness, just as the football player can do nothing to win the game unless he is faithful to the part assigned him and loyal to his fellows, so we must be failures unless we find and fill our places. Long ago a very foolish and wicked man (for the two things often go together) complained: "Am I my brother's keeper?" The question was so stupid that God would not answer it directly; but long ago he did answer it in the words of a wise and good

man who wrote: "No man liveth to himself and no man dieth to himself."

Whatever be the form of our organized social life, whether the framework of our majestic national life, the government of our noble State, the activities of the city or village or quiet hillside or valley that we love as home, or a world-wide league to enforce peace among all the nations of men, they are all sacred and should be made to express our service to our common humanity and our duty to God. One man may move as the head with the burdens and publicity of President or Governor and another may serve as some tiny nerve or cell or muscle that no one notices; but each is glorified and made joyous by doing well the part that is his.



Constitution of the United States*

WE THE PEOPLE of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.—SECTION 1.—All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative: and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three; Massachusetts, eight; Rhode Island and Providence

* The original spelling in the Constitution is retained, but not the original capitalization.

Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

SECTION 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall chuse their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.—1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7.—1. All bills for raising revenue shall originate in the

House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.—The Congress shall have power:

1. To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate the commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive rights to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION I.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected; as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.] *

4. The Congress may determine the time of chusing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall

* This paragraph was superseded by the XII Amendment.

be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be encreased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2.—1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.—1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.—The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—SECTION 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2.—1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction,

both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other prop-

erty belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.—1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth.

AMENDMENTS.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

ARTICLE II.—A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have com-

pulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.†

ARTICLE XII.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; —the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; —the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President,

* The first ten amendments went into effect Nov. 3, 1791.

† In effect Jan. 8, 1798.

the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.*

ARTICLE XIII.—SECTION 1.—Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.†

ARTICLE XIV.—SECTION 1.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the

* In effect Sept. 25, 1804.

† In effect Dec. 18, 1865.

male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

SECTION 4.—The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*

ARTICLE XV.—SECTION 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.†

ARTICLE XVI.—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.‡

* In effect July 28, 1868.

† In force February 24, 1913.

‡ In effect March 30, 1870.

ARTICLE XVII.—The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as a part of the Constitution.*

*In force May 31, 1913.

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- Bryce, James.—*The American Commonwealth*. Two volumes totaling about 1,600 pages, or abridged edition in one volume. Macmillan Co., New York.
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- Harris, Ex-President Benjamin.—*This Country of Ours*. Charles Scribner's Sons, New York.
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- Wallace, D. D.—*The Government of England, Central, Local and Imperial*. G. P. Putnam's Sons, New York.
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- United States Government:
- Abstract of Census.
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- Bulletins on Good Roads.
- Primer of Forestry. Forest Circular Nos. 137 and 138.
- Some Common Birds and Their Relation to Agriculture. Farmers' Bulletin No. 54.
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World Almanac.—New York World.

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